



City of San Marcos

Regular Meeting Historic Preservation Commission July 11, 2019, 5:45 PM City Hall, Council Chambers 630 East Hopkins Street San Marcos, Texas

The Historic Preservation Commission may adjourn into executive session to consider any item on the agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made on the basis for the Executive Session discussion. The Historic Preservation Commission may also publicly discuss any item listed on this agenda for Executive Session.

I. Call To Order

II. Roll Call

III. 30 Minute Citizen Comment Period: *Each speaker signed up prior to the meeting being called to order will be called in order of sign-up, and will allowed three minutes to speak about items posted or not on the agenda.*

MINUTES

1. Consider approval, by motion, of the June 6, 2019 meeting minutes.

PUBLIC HEARINGS

2. **HPC-19-10 (619 Maury Street)** Hold a public hearing and consider a request for a Certificate of Appropriateness by Ron Prewitt to allow the repair and remodel of the accessory structure located at the rear of the property located at 619 Maury Street.
3. **HPC-19-11 (515 Scott Street)** Hold a public hearing and consider a request for a Certificate of Appropriateness by Irving Seligman to allow various additions including remodeling the Rogers Street façade to include French doors, expanding the sunroom on the east facing façade, and constructing a new detached garage at the rear of the property located at 515 Scott Street.

ACTION ITEMS

4. Consider approval of My Historic SMTX, the City's historic resources survey.

DISCUSSION ITEMS

5. Hold discussion on the recent and potential demolition of historically and culturally significant properties, including a discussion on the process for granting demolition and construction permits, and provide direction to staff.
6. Hold discussion on a recommendation to City Council to consider including a demolition review process for historic-age resources in the San Marcos Development Code, and provide direction to staff.
7. Hold discussion on the city's obligations under the Texas Historical Commission's Statewide Preservation Plan and the Certified Local Government Program, and provide direction to staff.
8. Hold discussion on the establishment of an Office of Historic Preservation as a stand-alone City department, and provide direction to staff.
9. Hold discussion on scheduling a Special Meeting in July in order to recommend an ordinance to City Council covering a demolition review process for historically significant buildings, and provide direction to staff.

FUTURE AGENDA ITEMS

Board Members may provide requests for discussion items for a future agenda in accordance with the board's approved bylaws. *(No further discussion will be held related to topics proposed until they are posted on a future agenda in accordance with the Texas Open Meetings Act.)*

VI. Question and Answer Session with Press and Public.

This is an opportunity for the Press and Public to ask questions related to items on this agenda.

VII. Adjournment

Notice of Assistance at the Public Meetings

The City of San Marcos is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. If requiring Sign Language Interpreters or alternative formats, please give notice at least 2 days (48 hours) before the meeting date. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 855-461-6674 or sent by e-mail to ADArequest@sanmarcostx.gov.

For more information on the Historic Preservation Commission, please contact Alison Brake, Historic Preservation Officer and Planner at 512.393.8232 or abrake@sanmarcostx.gov.



CITY OF SAN MARCOS

Meeting Minutes

Historic Preservation Commission

Thursday, June 6, 2019

5:45 PM

City Council Chambers

I. Call To Order

With a quorum present the regular meeting of the San Marcos Historic Preservation Commission was called to order at 6:07 p.m. on Thursday, June 6, 2019 in the City Council Chamber of the City of San Marcos, City Hall, 630 East Hopkins Street, San Marcos, Texas.

II. Roll Call

Present 5 – Commissioner Spell, Commissioner Dake, Commissioner Holder, Commissioner Arlinghaus, and Commissioner Perkins

III. 30 Minute Citizen Comment Period:

Lisa Marie Coppoletta, 1322 Belvin Street, spoke and asked for a stop work order for the Belvin Street sidewalk project. She has concerns that the sidewalk project was going to flood her and her neighbors. She also has concerns that her trees will die.

Sara Lee Underwood-Myers, 1415 Harper Drive, spoke. She echoed the concerns of Ms. Coppoletta. She was concerned with the bulb outs shown in the renderings and asked the Commission to listen to the community.

Karen Tellepsen, 826 West Hopkins Street, stated that she drives the carpool in the morning and does not see people walking on the portion of Belvin Ms. Coppoletta spoke of and did not see the need for a sidewalk in this location. She stated that bulb outs are dangerous.

MINUTES

1. Consider the minutes of the Regular Meeting of April 4, 2019.

A motion was made by Commissioner Arlinghaus, seconded by Commissioner Holder to approve the minutes as submitted. The motion carried by the following vote:

For: 4 – Commissioner Spell, Commissioner Arlinghaus, Commissioner Holder, and Commissioner Dake

Against: 0

Abstain: 1 – Commissioner Perkins

Consider the minutes of the Regular Meeting of May 2, 2019.

A motion was made by Commissioner Arlignhaus, seconded by Commissioner Holder to approve the minutes as submitted. The motion carried by the following vote:

For: 4 – Commissioner Spell, Commissioner Perkins, Commissioner Holder, and Commissioner Dake
Against: 0
Abstain: 1 – Commissioner Arlinghaus

PRESENTATIONS**2. Receive a presentation from Staff regarding the Bishop Street Improvements Project.**

The Commission has requested to be updated on CIP Projects that occur within the historic districts. In following with the new protocol, Shaun Condor, Senior Engineer, CIP/Engineering, gave presentation to the Commission that outlined the Bishop Street Improvements Project. The Commission was very appreciative of his time.

PUBLIC HEARINGS**3. HPC-19-05 (811 West Hopkins Street) Hold a public hearing and consider a request by John H. Kuny, on behalf of Ida Miller, for extension of a previously approved Certificate of Appropriateness which approved the removal of a non-historic window and restoration of a wood window along the south side of the property located at 811 West Hopkins Street..**

Alison Brake gave a presentation outlining the request. She concluded that Staff found the request met the criteria of the Historic Design Guidelines as well as the San Marcos Development Code and recommended approval of the request as submitted.

Chair Spell opened the public hearing. The applicant made themselves available for questions. There were no further questions and Chair Spell closed the public hearing.

A motion was made by Commissioner Arlignhaus, seconded by Commissioner Dake to approve the request as submitted as it met the regulations of the San Marcos Development Code and is consistent with the Historic Design Guidelines. The motion carried by the following vote:

For: 4 – Commissioner Griffin Spell, Commissioner Dake, Commissioner Holder, and Commissioner Arlinghaus
Against: 0
Recused: 1 – Commissioner Perkins (mother owns property within the 400' notification buffer)

4. HPC-19-06 (531 West Hopkins Street) Hold a public hearing and consider a request for a Certificate of Appropriateness by Frank Gomillion, on behalf of

Richard Glaubinger, to allow the removal of an existing carport off the south side of the property located at 531 West Hopkins Street.

Alison Brake gave a presentation outlining the request. She concluded that Staff found the request met the criteria of the Historic Design Guidelines as well as the San Marcos Development Code and recommended approval of the request as submitted.

Chair Spell opened the public hearing. The applicant made themselves available for questions. There were no further questions and Chair Spell closed the public hearing.

A motion was made by Commissioner Perkins, seconded by Commissioner Dake to approve the request as submitted as it met the regulations of the San Marcos Development Code and is consistent with the Historic Design Guidelines. The motion carried by the following vote:

For: 5 – Commissioner Griffin Spell, Commissioner Dake, Commissioner Holder, Commissioner Arlinghaus, and Commissioner Jeffrey
Against: 0
Recused: 1 – Commissioner Arlinghaus (owns property within the 400' notification buffer)

5. HPC-19-07 (816 Belvin Street) Hold a public hearing and consider a request for a Certificate of Appropriateness by Jeff Ault to allow the installation of a wrought iron fence around the property located at 816 Belvin Street.

Alison Brake gave a presentation outlining the request. She concluded that Staff found the request met the criteria of the Historic Design Guidelines as well as the San Marcos Development Code and recommended approval of the request as submitted.

Chair Spell opened the public hearing. The applicant made themselves available for questions.

Lisa Marie Coppoletta, 1322 Belvin Street, spoke in opposition of the request. She discussed the rhythm of the street and that her side of Belvin did not need a sidewalk. She stated that a sidewalk would not fit with the rhythm.

Jeff Ault, 816 Belvin Street, stated that he had begun the process of applying for the Certificate of Appropriateness years ago but never followed through. He stated that he was ready to finish the project.

There were no further questions and Chair Spell closed the public hearing.

A motion was made by Commissioner Perkins, seconded by Commissioner Holder to approve the request as submitted as it met the regulations of the San Marcos Development Code and is consistent with the Historic Design Guidelines and the Secretary of the Interior Standards. The motion carried by the following vote:

For: 4 – Commissioner Griffin Spell, Commissioner Dake, Commissioner Holder, and Commissioner Perkins

Against: 1 – Commissioner Arlinghaus

- 6. HPC-19-08 (1114 West Hopkins Street) Hold a public hearing and consider a request for a Certificate of Appropriateness by Shawn Dupont to allow the replacement of the existing composite shingle roof with a standing seam metal roof for the property located at 1114 West Hopkins Street.**

Alison Brake gave a presentation outlining the request. She concluded that Staff found the request met the criteria of the Historic Design Guidelines as well as the San Marcos Development Code and recommended approval of the request as submitted.

Chair Spell opened the public hearing. The applicant made themselves available for questions. There were no further questions and Chair Spell closed the public hearing.

A motion was made by Commissioner Perkins, seconded by Commissioner Arlinghaus to approve the request as submitted as it met the regulations of the San Marcos Development Code and is consistent with the Historic Design Guidelines and the Secretary of the Interior Standards. The motion carried by the following vote:

For: 5 – Commissioner Griffin Spell, Commissioner Dake, Commissioner Holder, Commissioner Arlinghaus, and Commissioner Perkins

Against: 0

- 7. HPC-19-09 (1024 West San Antonio Street) Hold a public hearing and consider a request for a Certificate of Appropriateness by Shawn Dupont to allow the replacement of the existing composite shingle roof with a standing seam metal roof for the property located at 1024 West San Antonio Street.**

Alison Brake gave a presentation outlining the request. She concluded that Staff found the request met the criteria of the Historic Design Guidelines as well as the San Marcos Development Code and recommended approval of the request as submitted.

Chair Spell opened the public hearing. The applicant made themselves available for questions. There were no further questions and Chair Spell closed the public hearing.

A motion was made by Commissioner Arlinghaus, seconded by Commissioner Perkins to approve the request as submitted as it met the regulations of the San Marcos Development Code and is consistent with the Historic Design Guidelines and the Secretary of the Interior Standards. The motion carried by the following vote:

For: 5 – Commissioner Griffin Spell, Commissioner Dake, Commissioner Holder, Commissioner Arlinghaus, and Commissioner Perkins

Against: 0

DISCUSSION ITEMS

- 8. Update from Staff regarding Resolution 2019-01RR: Implementation of incentive programs, including tax-based incentive programs, designed to**

encourage or enable the ownership, rehabilitation, and continued maintenance of historic structures in the City.

This item was postponed to a future agenda. Commissioners Dake and Perkins recused themselves from the dais as they own or have family that owns property within a local historic district.

9. Update from Staff regarding Resolution 2019-02RR: Management of the painting of historic buildings, including the prohibition against painting of historic masonry in certain circumstances.

Staff updated the Commission on the timeline for the text amendments to the Code regarding the management of paint in the Downton Historic District.

10. Update and discussion from the My Historic SMTX Committee regarding My Historic SMTX, the City's historic resources survey with possible direction to Staff.

Commissioner Perkins, Chair of the My Historic SMTX Committee, discussed the Committee's work in reviewing the historic resources survey. He stated that overall, the Committee was very pleased with the document. Discussion of the recommendation section followed. Chair Spell disbanded the Committee.

11. Update from Staff regarding My Historic SMTX.

Staff stated that they would work with the consultants to get the final historic resources survey report on the July 11th meeting for formal adoption by the Commission.

FUTURE AGENDA ITEMS

The Commission requested the following items be placed on a future agenda for discussion:

1. Paint Palette Discussion
2. Demolition Delay Discussion
3. Belvin Street Sidewalk Project Discussion

Questions and Answer Session with Press and Public.

Lisa Marie Coppoletta asked Shawn Condor questions about the Bishop Street Improvement Project. He answered her questions and reassured her that the items she was asking about would be on the website.

Diana Baker asked about the Downtown Architectural Standards that were done by Nore Winters. Staff stated that they would send them to her.

**THERE BEING NO FURTHER BUSINESS, CHAIR SPELL DECLARED THE MEETING
ADJOURNED AT 7:52 P.M.**

Griffin Spell, Chair

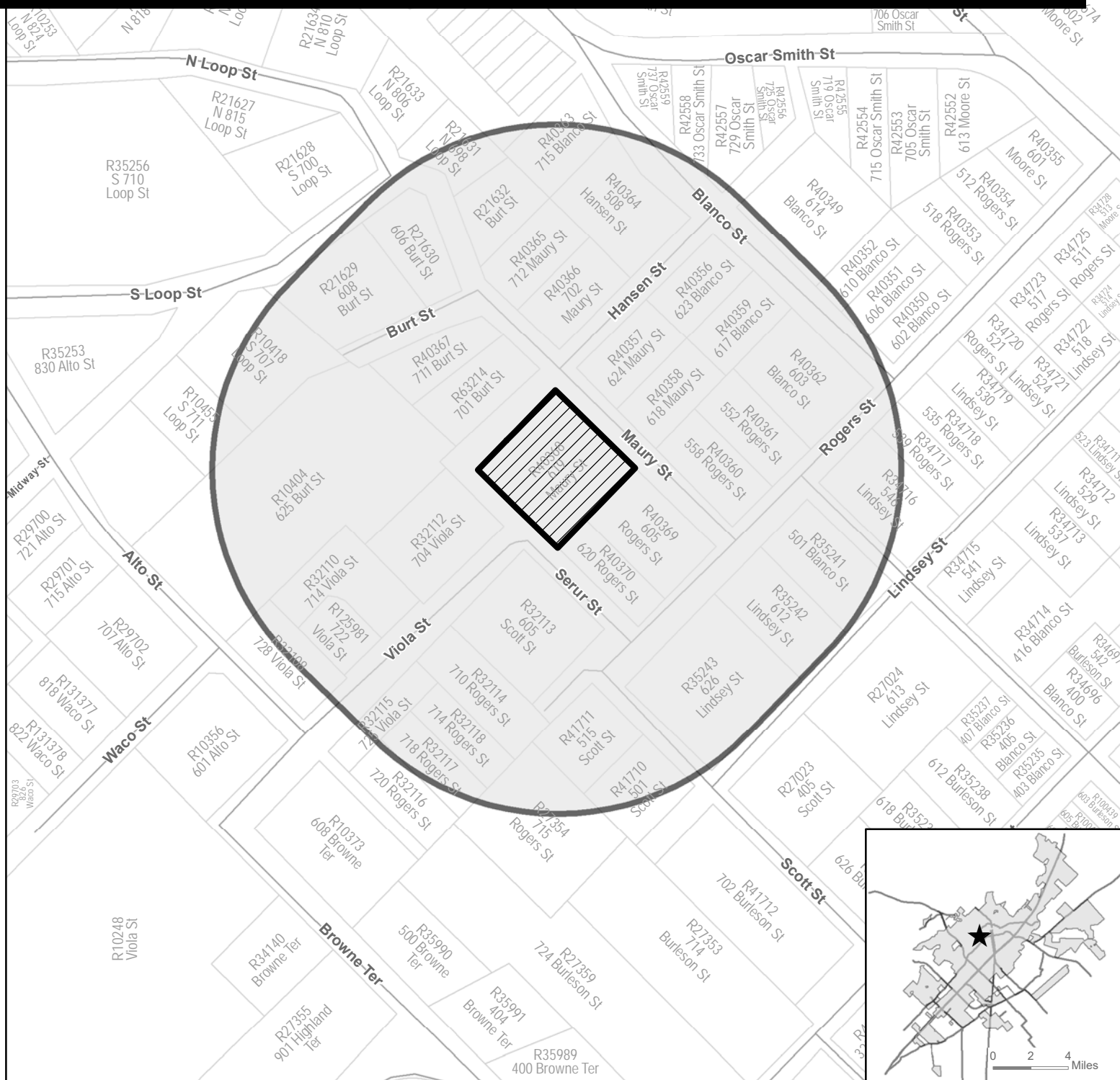
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
Alison Brake, Historic Preservation Officer and Planner

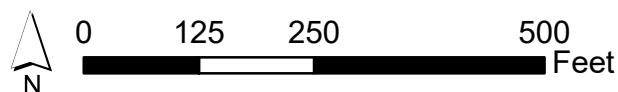
HPC-19-10

400' Notification Buffer

Repair and Remodel accessory structure — 619 Maury St



- ★ Site Location
-  Subject Property
-  400' Buffer
-  Parcel
-  City Limit



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Map Date: 6/24/2019



Staff Report
Historic Preservation Commission
HPC-19-10

Prepared by: Alison Brake, CNU-A, Historic Preservation Officer and Planner

Date of Meeting: July 11, 2019

Applicant Information:

Applicant: Ron Prewitt
619 Maury Street
San Marcos, TX 78666

Property Owner: Same

Public Hearing Notice:

Mailed: June 28, 2019

Response: None as of report date.

Subject Property:

Location: 619 Maury Street
Historic District: Lindsey-Rogers
Description: Queen Anne-style
Date Constructed: 1893 per *My Historic SMTX* (source: NRHP Nomination)
Priority Level: High (DRAFT *My Historic SMTX*)
Listed on NRHP: Yes
RTHL: No

Applicant Request:

To allow the repair and remodel of the accessory structure located at the rear of the property.

Staff Recommendation:

- ☒ *Approval* - appears to meet criteria for approval
- ☐ *Approval with conditions* – see comments below
- ☐ *Denial* - does not appear to meet criteria for approval
- ☐ Commission needs to address policy issues regarding this case.

Staff Comments:

The subject property is located on Maury Street, east of the intersection with Rogers Street ("EXHIBIT A"). The property is listed in *My Historic SMTX* as a wood Queen Anne-style home constructed in 1853. The property is listed on the National Register of Historic Places (NRHP) as the Caldwell House; it was built for J. Pierce Caldwell, a local contractor. According to the current owner, it was also known as the Hill house for the Hill family who originally settled in Stringtown and owned a store nearby. The Historic Resources Survey Form included with *My Historic SMTX* also states that a member of the Hill family was a rider in the Buffalo Bill show ("EXHIBIT B"). It is listed in the survey with a High preservation priority and is considered a contributing structure to the district.

According to the scope of work submitted, the applicant is proposing to repair the accessory structure, the existing carriage building, located at the rear of the property ("EXHIBIT C"). While at the rear of the property, this building can be seen from Serur Street which is the reason a Certificate of Appropriateness is required ("EXHIBIT D"). The scope of work states that the applicant would like to stabilize the structure and replace the siding, either with the existing board and batten style siding or with a style that matches the primary structure. The applicant is proposing to use Hardie

board for the siding material. In addition, the applicant is proposing to lift the pitch of the roofline of the structure to mirror the roofline and details of the primary structure ("EXHIBIT E"). Photographs of the primary structure's roofline and details submitted by the applicant are included in "EXHIBIT F". The scope also provides that there will be no windows or doors along the Serur Street side façade and that the corrugated metal roof will be replaced with a standing seam metal roof.

The Historic Design Guidelines do not provide specific criteria for accessory structures in historic neighborhoods. They do provide general guidelines on new construction such as constructing garages and carports to the rear of the property, behind the face of the house. The location of the existing structure at the rear of the property is consistent with this recommendation. Another recommendation of the Guidelines is to respect the overall proportion and form. The accessory structure should remain well-proportioned in comparison to the main residence with the proposed lifting of the pitch of the roof. The applicant is proposing to match the roofline and details of the main residence by including ledgers underneath the eaves. Staff finds this consistent with the Guidelines which state that roof forms and roof lines should be consistent in shape and detail. In addition, staff finds the request consistent with Section 4.5.2.1(1)(h) which explains that the roof shape of a building shall be visually compatible with the other buildings to which it is visually related. The Guidelines recommend using materials that reflect the period in which they are built but also respect the scale of adjacent buildings. The applicant has stated that they would use either a board and batten style siding to match what is existing or a style similar to the main residence. Staff finds the request for either style consistent with the Historic Design Guidelines and Section 4.5.2(1)(g). Both styles of siding will be compatible with the main residence and, while the proposed Hardie board is not an ideal material (the homes to which the structure is visually related are made of wood), the Design Guidelines caution against creating a false sense of history.

Staff finds the request to repair and remodel the accessory structure consistent with the San Marcos Development Code and the Historic Design Guidelines and finds that the request will not have a negative effect on the historical, architectural or cultural character of the historic district. Therefore, Staff recommends **approval of the request as submitted.**

EXHIBITS

- A. Aerial Map
- B. Historic Resources Survey Form from *My Historic SMTX*
- C. Photo of Existing Accessory Structure
- D. Google Street View of Existing Accessory Structure
- E. Scope of Work
- F. Photos of Primary Structure's Roofline and Details
- G. San Marcos Development Code Sections 2.5.5.4 and 4.5.2.1(l)

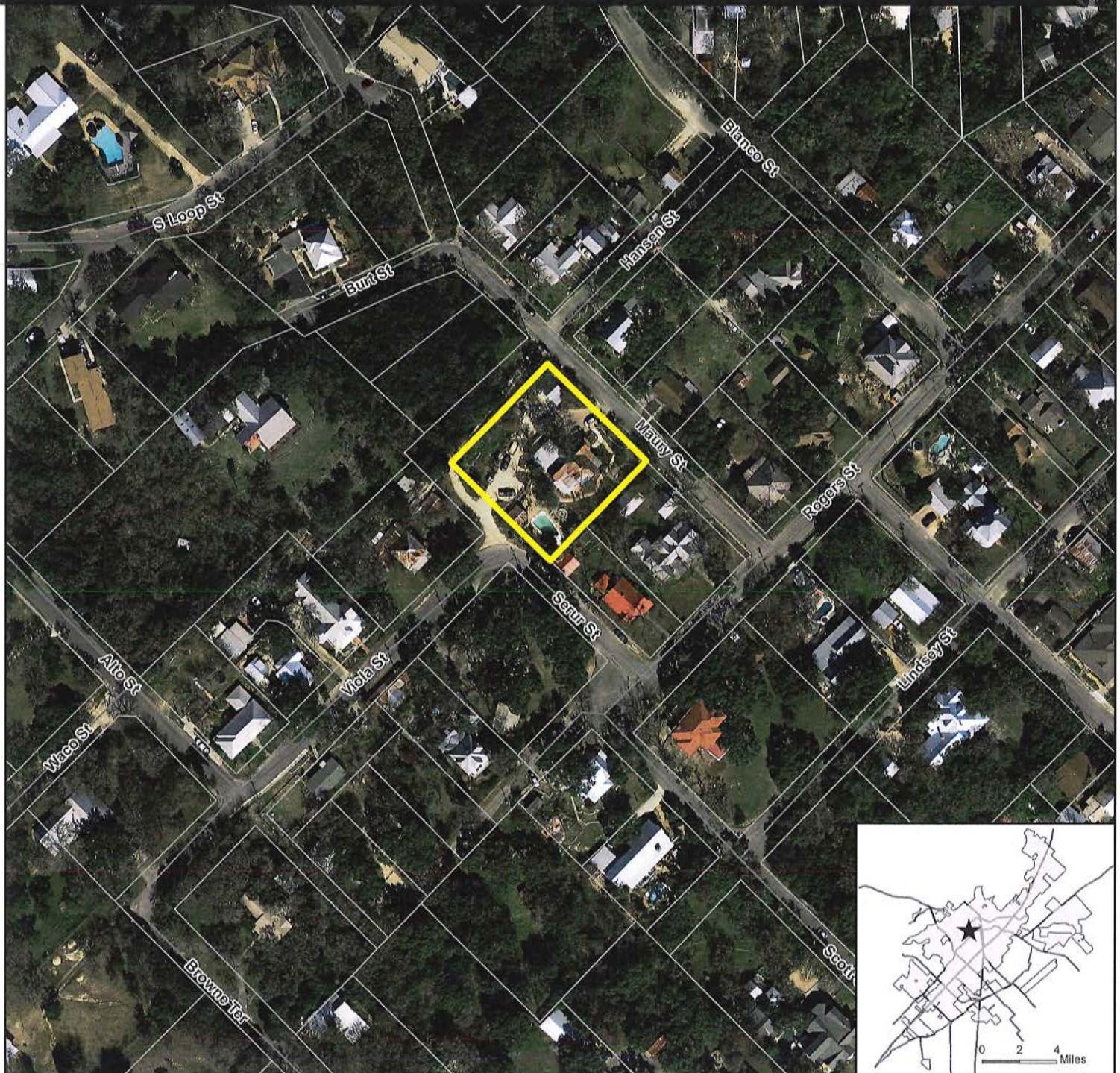
HPC-19-10 400' Aerial Map

Repair and Remodel accessory structure — 619 Maury St

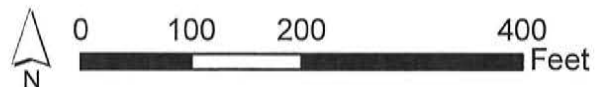
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EXHIBIT

A



- ★ Site Location
- Subject Property
- Parcel
- City Limit



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Map Date: 6/26/2019

TEXAS HISTORICAL COMMISSION

Historic Resources Survey Form

Project #: 00046

County: Hays

Local Id: R40368

City: SAN MARCOS

Address No: 619

Street Name: Maury St

Block: 2

SECTION 1

Basic Inventory Information

Current Name:

Historic Name: Caldwell House/Hill House

Owner Information

Name: PREWITT RONALD R & LISA

Address: 619 MAURY ST

City: SAN MARCOS

State: TX

Zip: 78666

Geographic Location

Latitude: 29.88348

Longitude: -97.951695

Parcel Id

Legal Description (Lot\Block): J C ROGERS 36-51 LOTS 1-2 BLK 6 GEO#332350746730

Addition/Subdivision:

Year:

Property Type: Building

Listed NR District Name: Lindsey-Rogers Local Historic District

Current Designations: ☐ NR District☐ NHL ☒ NR ☐ RTHL ☐ OTHM ☐ HTC ☐ SAL ☒ Local ☐ Other Is property contributing? ☒

Architect:

Builder J. Pierce Caldwell

Construction Date: 1893

Source NRHP Nom.

Recorded By: Elizabeth Porterfield/Hicks & Company

Date Recorded: 2/1/2019

Function

Current: Domestic

Historic: Domestic



SECTION 2

Architectural Description

NRHP-listed Queen Anne-style residence; metal roof, original wood siding and wood windows, spindlework, and decorative gable shingles; shed-roof side/rear addition not historic age (in place by 1983 NR nom); built in 1893 for local contractor J. Pierce Caldwell (per NR nom); according to current owner house was known as the Hill house for Hill family who originally settled in Stringtown; had store nearby (building still at corner of Maury and Laurel St); member of the Hill family was a rider in the Buffalo Bill show

☒ Additions, modifications **Explain:** Large shed-roof side addition☐ Relocated **Explain:**

TEXAS HISTORICAL COMMISSION

249

Project #: 00046

Historic Resources Survey Form

Local Id: R40368

County: Hays

City: SAN MARCOS

Address No: 619

Street Name: Maury St

Block: 2

Stylistic Influence

Queen Anne

Structural Details

Roof Form

Gable, Hipped

Plan

Irregular

Roof Materials

Metal

Chimneys

Brick (in ruins)

Wall Materials

Wood Siding

Porches/Canopies
FORM Shed Roof

Windows

Wood

SUPPORT Wood posts (turned), Jigsawn trim, Spindlework,

MATERIAL
Doors (Primary Entrance)

Single, With transom

Landscape Features
ANCILLARY BUILDINGS:

Garage:

Barn:

Shed:

Other:

SECTION 3 Historical Information

Associated Historical Context

Architecture, Community Development

Applicable National Register (NR) Criteria:

- ☒ **A** Associated with events that have made a significant contribution to the broad pattern of our history
- ☐ **B** Associated with the lives of persons significant in our past
- ☒ **C** Embodies the distinctive characteristics of a type, period or method of construction or represents the work of a master, or possesses high artistic value, or represents a significant and distinguishable entity whose components lack individual distinctions
- ☐ **D** Has yielded, or is likely to yield, information important in prehistory of history

Areas of Significance:

Significant example of Queen Anne-style residence and late 19th cent. neighborhood development

Periods of Significance:

ca. 1893-1975

Levels of Significance: ☐ National ☐ State ☒ Local

Integrity: ☒ Location ☐ Design ☒ Materials ☒ Workmanship ☒ Setting ☒ Feeling ☒ Association

Integrity Notes:

Integrity of design somewhat altered by side/rear addition, but main block of house retains high integrity

Individually Eligible? Yes

Within Potential NR District?: Yes

Is Property Contributing?: ☒
Potential NR District Name: Within Lindsey-Rogers Local Historic District

Priority High

Explain: NRHP listed

Other Information
Is prior documentation available for this resource? Yes

Type ☐ HABS ☐ Survey ☒ Other

Documentation Details:

NRHP Nom, 1983

PHOTO OF EXISITING ACCESSORY STRUCTURE



HPC-19-10 Google Street View of Existing Accessory Structure*

View from Serur Street



**Photo taken May 2016*

DESCRIPTION OF ACTIVITIES



I WISH TO REPAIR EXISTING CARRAGE BUILDING. FRAME THE BUILDING TO STABILIZE. REPLACE SIDING, BOARD & BATTON. OR INSTALL SIDING THAT MATCHES EXISTING MAIN HOUSE. I ALSO WOULD LIKE TO WIT THE PITCH OF THE ROOF LINE TO COPY THE PITCH OF THE EXISTING HOUSE. (SEE FOTO). THERE WILL BE NO WINDOWS OR DOORS STREET SIDE VIEW.

MATERIALS

ROOF - METAL J-BROOFE

SIDING - BOARD & BATTON OR 11/3 - SIDING.

PAINT - MATCH COLOR SHEAR OF MAIN HOUSE.

PHOTOS OF MAIN STRUCTURE - ROOFLINE

tabbles

EXHIBIT

F





Section 2.5.5.4 Criteria for Approval

The following criteria shall be used to determine whether the application for a certificate of appropriateness shall be approved, conditionally approved or denied:

- (1) Consideration of the effect of the activity on historical, architectural or cultural character of the Historic District or Historic Landmark;
- (2) For Historic Districts, compliance with the Historic District regulations;
- (3) Whether the property owner would suffer extreme hardship, not including loss of profit, unless the certificate of appropriateness is issued;
- (4) The construction and repair standards and guidelines cited in Section 4.5.2.1

Section 4.5.2.1 Historic Districts

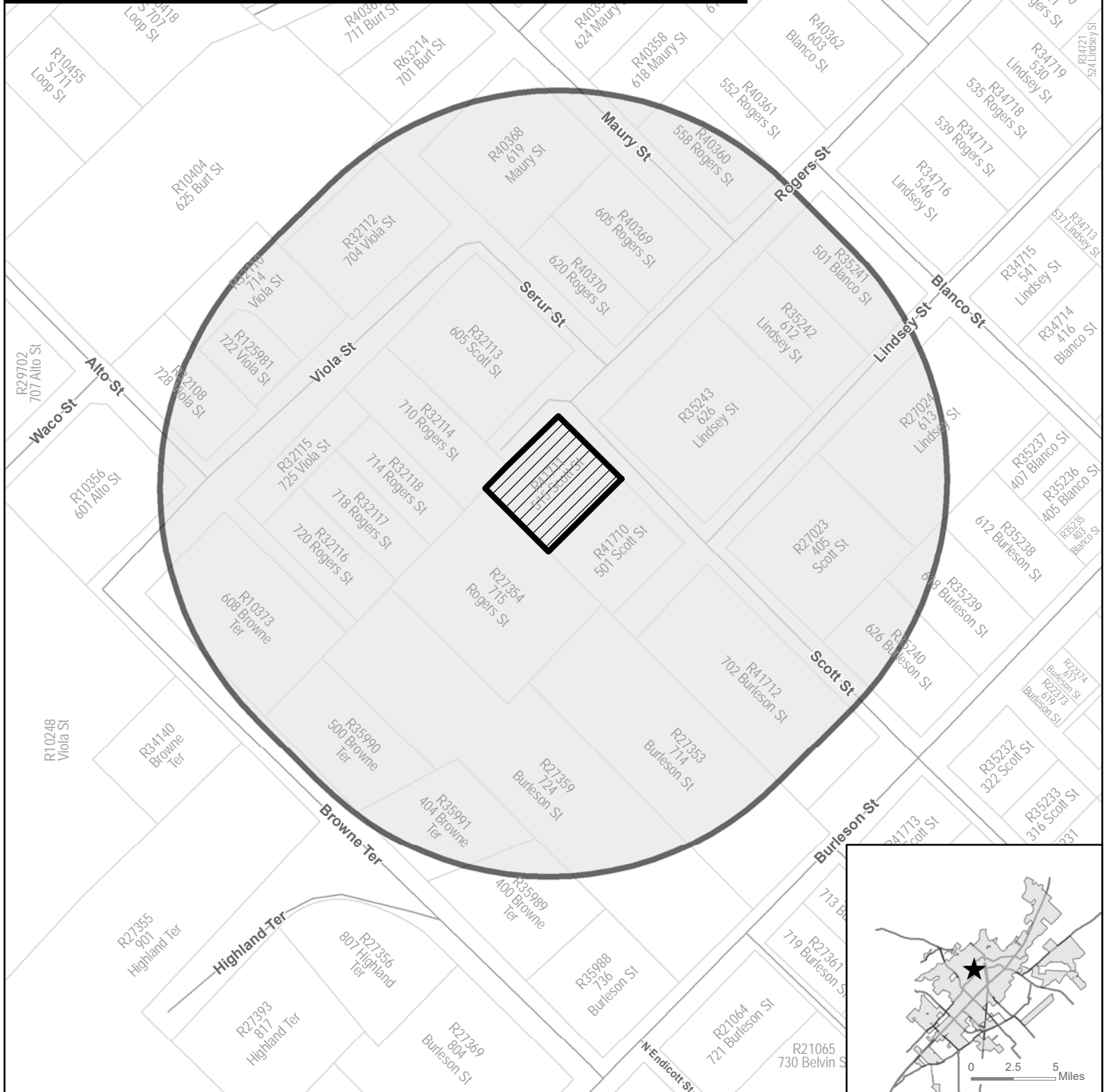
I. Construction and Repair Standards.

- (1) New construction and existing buildings and structures and appurtenances thereof within local Historic Districts that are moved, reconstructed, materially altered or repaired shall be visually compatible with other buildings to which they are visually related generally in terms of the following factors; provided, however, these guidelines shall apply only to those exterior portions of buildings and sites visible from adjacent public streets:
 - a. **Height.** The height of a proposed building shall be visually compatible with adjacent buildings.
 - b. **Proportion of building's front facade.** The relationship of the width of a building to the height of the front elevation shall be visually compatible to the other buildings to which it is visually related.
 - c. **Proportion of openings within the facility.** The relationship of the width of the windows in a building shall be visually compatible with the other buildings to which it is visually related.
 - d. **Rhythm of solids to voids in front Facades.** The relationship of solids to voids in the front facade of a building shall be visually compatible with the other buildings to which it is visually related.
 - e. **Rhythm of spacing of Buildings on Streets.** The relationship of a building to the open space between it and adjoining buildings shall be visually compatible to the other buildings to which it is visually related.
 - f. **Rhythm of entrance and/or porch projection.** The relationship of entrances and porch projections to sidewalks of a building shall be visually compatible to the other buildings to which it is visually related.
 - g. **Relationship of materials, texture and color.** The relationship of the materials, and texture of the exterior of a building including its windows and doors, shall be visually compatible with the predominant materials used in the other buildings to which it is visually related.
 - h. **Roof shapes.** The roof shape of a building shall be visually compatible with the other buildings to which it is visually related.
 - i. **Walls of continuity.** Appurtenances of a building including walls, fences, and building facades shall, if necessary, form cohesive walls of enclosure along a street, to ensure visual compatibility of the building to the other buildings to which it is visually related.
 - j. **Scale of a building.** The size of a building, the mass of a building in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible with the other buildings to which it is visually related.
- (2) The Historic Preservation Commission may use as general guidelines, in addition to the specific guidelines contained this section, the Historic Design Guidelines located in Appendix C of the San Marcos Design Manual and the current Standards for Historic Preservation Projects issued by the United States Secretary of the Interior.

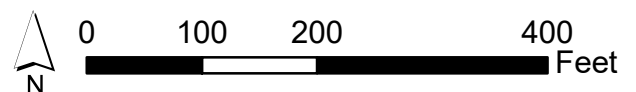
HPC-19-11

400' Notification Map

Expansion — 515 Scott St



- ★ Site Location
- ▨ Subject Property
- 400' Buffer
- Parcel
- City Limit



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Map Date: 6/24/2019



Staff Report
Historic Preservation Commission
HPC-19-11

Prepared by: Alison Brake, CNU-A, Historic Preservation Officer and Planner

Date of Meeting: July 11, 2019

Applicant Information:

Applicant: Irving Seligman, III
515 Scott Street
San Marcos, TX 78666

Property Owner: Same

Public Hearing Notice:

Mailed: June 28, 2019

Response: None as of report date.

Subject Properties:

Location: 515 Scott Street
Historic District: Burleson Street
Description: Folk National
Date Constructed: c. 1900 (per *San Marcos Heritage Neighborhood Historic Resources Survey -1997*)
Priority Level: Medium (Both *San Marcos Heritage Neighborhood Historic Resources Survey -1997* and *DRAFT My Historic SMTX*)
Listed on NRHP: No
RTHL: No

Applicant Request:

To allow various additions to the property including a small porch located on the Rogers Street façade, the replacement of existing aluminum windows on the northwest side of the property, expanding the sunroom along the southeast side of the home, and construction of a new detached three-car garage at the southwest rear corner of property.

Staff Recommendation:

- ☒ *Approval* - appears to meet criteria for approval
- ☐ *Approval with conditions* – see comments below
- ☐ *Denial* - does not appear to meet criteria for approval
- ☐ Commission needs to address policy issues regarding this case.

Staff Comments:

The subject property is located on Scott Street, at the intersection with Rogers Street ("EXHIBIT A"). The property is listed, with a Medium Priority level, in the *Heritage Neighborhood Historic Resources Survey -1997* as a wood board and batten Folk National style home built around 1900. It is also listed in *My Historic SMTX* with a Medium preservation priority and is considered a contributing structures to the district ("EXHIBIT B"). The applicant recently purchased the home and is proposing a few additions to the property to make it a family-friendly residence. To simplify the staff report, the items in the scope have been reviewed separately against the San Marcos Development Code, the Historic Design Guidelines, and the Secretary of Interior Standards below.

Small Covered Porch

In order to make use of the property's side yard, the applicant is proposing to construct a small covered side porch on the Rogers Street façade; shown in "EXHIBIT C". The applicant is proposing to replace a trio of windows located along the façade with French doors that will lead out to the side yard of the property. A photograph showing a close up of the three windows in question is shown in "EXHIBIT D". The applicant states that these three windows are different from the rest of the windows in the house and include divided lights with no rope and pulley system or wavy glass and that the home's original windows, with the wavy glass and rope and pulley system, are primarily located along the front façade. Photographs of the Rogers Street side of the property are included as "EXHIBIT E" in the packet. The floor plan submitted with the request shows the porch will measure five and a half feet deep and twelve feet in length and be supported by two square columns ("EXHIBIT F").

Staff reviewed *A Field Guide to American Houses* by Virginia Savage McAlester and the property appears to be a Hall-and-Parlor Family style of a Folk National home. The applicant's intent installing square columns on the side porch is to install period correct columns. In the future, the applicant would like to replace the spindled columns on the front porch to match the proposed columns on the side porch; the applicant understands that this request would require a new Certificate of Appropriateness. From what staff can tell, this style of home had either type of porch column and finds that the installation of the square columns on the side porch will not harm the historic integrity of the property. In addition, Rogers Street is not a through street, it dead-ends past the subject property, and therefore is not traveled often by the general public and the side façade is a secondary façade. The addition will be minimally visible from the principal street frontage of Scott Street. Staff finds the request consistent with the following recommendation from the Secretary of the Interior's Standards for Rehabilitation: *Designing and constructing additional entrances or porches on secondary elevations when required for the new use in a manner that preserves the historic character of the building (i.e., ensuring that the new entrance or porch is clearly subordinate to historic primary entrances or porches).*

While the window opening will be altered to accommodate the new French doors, the proposed French doors will mirror the existing solids to voids ratio as the lights of the door will stop at about the same location as the existing windows; the bottom portion of the door will be solid. Staff finds the request consistent with the Historic Design Guidelines and the construction and repair standards of the San Marcos Development Code.

Replacement of Aluminum Windows along Rogers Street Facade

In addition, the applicant is proposing to replace a pair of existing aluminum windows located to the right of the new side porch on the Rogers Street façade along with a pair of windows located on the rear of the home ("EXHIBIT G"). The applicant plans on installing new double hung clad wood windows. These windows appear to match the size of the existing windows.

Staff finds that changing aluminum windows for a sturdier clad wood window does not detract from the historic integrity of the home. Staff finds the request consistent with the Historic Design Guidelines along with the construction and repair standards of the San Marcos Development Code. These windows will be minimally visible from the principal frontage of Scott Street and as Rogers Street is not a through street, it is not heavily traveled. The applicant has stated that he will retain the window screens and install them back once the new windows are in place.

Expansion of Sunroom

The applicant is proposing to build an approximately 175-200 square foot addition to the south side of the residence in order to add a new office and great room to the house shown in "EXHIBIT F". The existing sunroom, shown in "EXHIBIT H", was added to the house sometime in the 1950s according to the applicant. The applicant will remodel this portion of the home by extending it ten feet in length and conform the new addition to the slope of the property. The rendering of the new addition shows a side inset which aides the roof of the new addition not to overpower the existing

roof ("EXHIBIT I"). The applicant states that the existing windows located along the sunroom appear to be of the same make as on the Rogers Street façade, no wavy glass and no rope and pulley system, and will be removed with the remodel. The new windows installed will be double hung, clad wood windows and match those being installed on the Rogers Street façade. These windows appear to be of similar size as the existing sunroom windows. The applicant plans to either keep the window screens or have new wood window screens constructed for the new windows. The roof of the addition is proposed to tie into the existing roof, a gabled roof, matching the pitch and aligning the ridges. The applicant proposes a metal roof to match the existing roof.

The Historic Design Guidelines state that additions to existing buildings should not overpower the original building while not creating a false sense of history. Staff finds the request consistent with these recommendations. The applicant is proposing to utilize siding of the same profile and material as the existing home which is consistent with Section 4.5.2.1(I)(1)(g). The materials and textures chosen will be visually compatible to the structure and surrounding properties. Another recommendation of the Guidelines is to respect the overall proportion and form. The new addition meets the development standards for size and location and is well-proportioned in comparison to the main residence.

Staff finds the request for the new addition to be consistent with many of the Secretary of the Interior's Standards for Rehabilitation. The applicant is constructing the new addition on a secondary or non-character defining elevation. The applicant is also cognizant of the slope of the property and limiting its size and scale in relationship to the historic building. The applicant is taking careful steps to ensure that the addition is subordinate and secondary to the historic building and is compatible in massing, scale, and materials. Staff finds that the design of the new addition is compatible with the historic structure and is distinguishable from the original building as it is set back from the wall plane of the historic building.

New Detached Garage

The applicant is proposing to construct a new detached three car garage at the rear of the property. The new garage will sit approximately 90 feet from the property line on Scott Street. A site plan showing the location of the garage is included in the packet ("EXHIBIT J"). The plans submitted by the applicant show that the garage will include a roof that is a mix of shingles and metal. Staff confirmed that the applicant is proposing an all metal roof to match the primary structure. In addition, the applicant has stated that he plans on constructing a driveway using concrete ribbons that leads to the garage from Scott Street. The renderings show that the front of the garage will have a stone veneer and three square columns with the same stone veneer. The sides of the garage appear to be lap siding.

While there are no guidelines on the design or style of garages in historic districts, they do recommend that the new garage be constructed to the rear of the property behind the face of the house while orienting the garage doors away from the street if possible. The proposed garage doors will not be oriented away from the street but this should not detract from the character of the house as it will be constructed to the rear of the property and so far back from the front property line. The garage will be located in approximately the same location as the adjacent property's garage (501 Scott Street).

Staff finds the request for consistent with Section 4.5.2.1(I)(1)(g). The applicant has ensured that the materials utilized are compatible with the surrounding area and primary structure. The stone veneer of the garage ties into the stone retaining wall located on the property. An all metal roof will be more consistent with this requirement and the applicant has confirmed that he will install a metal roof.

The Historic Design Guidelines state that the placement and approach to a new garage should respect the original front line of the house. Staff finds the request for the new driveway consistent with this. Staff also finds the request for the new garage consistent with the recommendation to

locate it at the rear of the property. The Historic Design Guidelines state that concrete strips or “ribbons” is a material that might be used for a driveway. Staff finds the request for this type of driveway appropriate and consistent with the Historic Design Guidelines.

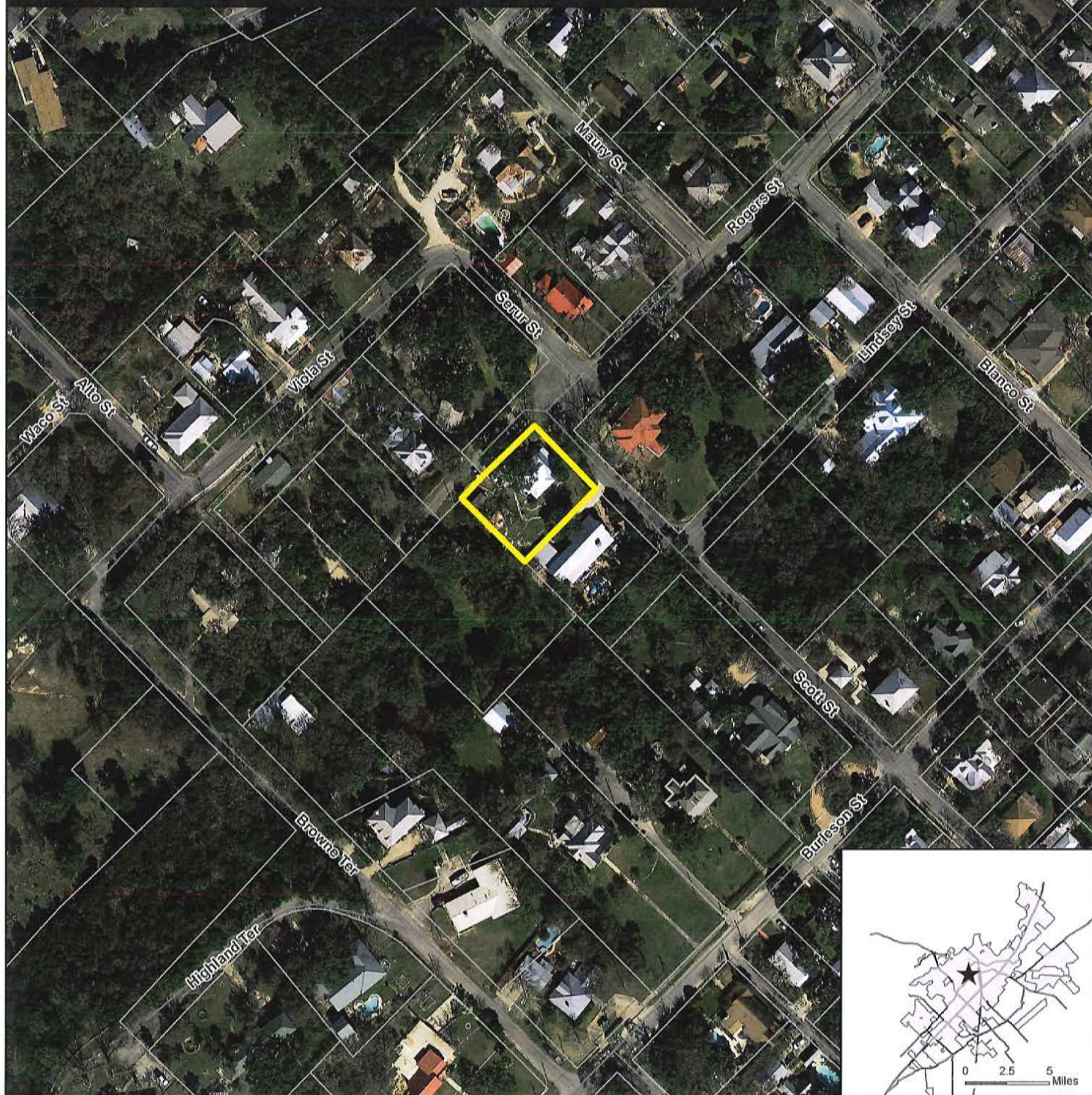
Staff also finds the request is consistent with the Secretary of Interior Standards for Rehabilitation of Historic Structures. The Standards state that new additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. Staff finds the new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing which will protect the integrity of the property and its environment. In addition, the new garage could be removed without damaging the historic integrity of the main building as it is detached from it.

Staff finds the request for the various exterior improvements consistent with the Historic Design Guidelines, the San Marcos Development Code and the Secretary of the Interior Standards and finds that the request will not have a negative effect on the historical, architectural or cultural character of the historic district. Therefore, Staff recommends **approval of the request as submitted.**

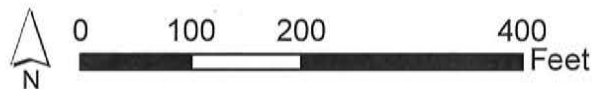
EXHIBITS

- A. Aerial Map
- B. Survey Inventory Table from *San Marcos Heritage Neighborhood Historic Resources Survey -1997 and My Historic SMTX*
- C. Rendering of Covered Side Porch
- D. Close Up of Three Windows on Rogers Street Façade
- E. Photos of Rogers Street Side of Property
- F. Floor Plan
- G. Aluminum Windows to be Replaced
- H. View of Property Showing Existing Sunroom Addition
- I. Rendering of New Side Addition (Sunroom Expansion)
- J. Site Plan
- K. Garage Plans
- L. San Marcos Development Code Sections 2.5.5.4 and 4.5.2.1(I)

HPC-19-11 400' Aerial Map Expansion — 515 Scott St



- ★ Site Location
- Subject Property
- Parcel
- City Limit



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Map Date: 6/26/2019

Priority		Address		Identification		Subtype	Stylistic Influence	Exterior Materials	Date	Photographic Reference		Site #
H	M	L	Street Number	Street Name	Property Type					Roll/Frame	Slide	
*			526	SAN ANTONIO	RESIDENTIAL	BUNGALOW	CRAFTSMAN	WOOD	c. 1925	14:21	S6:5	245
			526	SAN ANTONIO						14:22		
*			527	SAN ANTONIO	RESIDENTIAL	CENTER PASSAGE PLAN	CLASSICAL REVIVAL	WOOD	c. 1910	16:03	S6:6	254
			527	SAN ANTONIO						16:04		
X			530	SAN ANTONIO	RESIDENTIAL	BUNGALOW	CRAFTSMAN	WOOD	c. 1920	14:23		246
X			601 & 603	SAN ANTONIO	RESIDENTIAL DUPLEX	MULTI-FAMILY	NEOTRADITIONAL	WOOD	c. 1920	16:05		255
	X		613	SAN ANTONIO	RESIDENTIAL	MULTI-FAMILY	NEOTRADITIONAL	BRICK	c. 1960	16:06		256
			613	SAN ANTONIO						16:07		
	X		115	SCOTT	RESIDENTIAL	ASYMMETRIC PLAN	CONTEMPORARY	BRICK	p.1970	12:18		208
	X		116	SCOTT	RESIDENTIAL	CENTER PASSAGE PLAN	NEOTRADITIONAL	SHINGLE	c. 1950	12:19		209
	X		119 & 117	SCOTT	RESIDENTIAL	MULTI-FAMILY	CONTEMPORARY	BRICK	p.1970	12:17		207
	X		121	SCOTT	RESIDENTIAL	ASYMMETRIC PLAN	CONTEMPORARY	BRICK	p.1970	12:16		206
*			122	SCOTT	RESIDENTIAL	L-PLAN	FOLK VICTORIAN	WOOD	c. 1900	12:20	S5:8	210
			122	SCOTT						12:21		
	X		122 West	SCOTT		MULTI-FAMILY	INTERNATIONAL	BRICK	c.1930	12:22		211
	X		127	SCOTT		CENTER PASSAGE PLAN	NEOTRADITIONAL	PLYWD/SHINGL	p.1950	12:15		205
*			215	SCOTT	RESIDENTIAL	CENTER PASSAGE PLAN	CLASSICAL REVIVAL	WOOD	p.1910	7:07	S3:4	121
			215	SCOTT						7:08		
	X		219	SCOTT	RESIDENTIAL	CENTER PASSAGE PLAN	CONTEMPORARY	SHINGLE	c.1960	7:06		120
	X		310	SCOTT	RESIDENTIAL	FOLK	FOLK NATIONAL	SHINGLE	c. 1900	5:25		95
			310	SCOTT								
*			316	SCOTT	RESIDENTIAL	CENTER PASSAGE PLAN	CLASSICAL REVIVAL	WOOD	c. 1900	5:23	S2:11	94
			316	SCOTT						5:24		
	x		317	SCOTT	RESIDENTIAL	CENTER PASSAGE PLAN	CRAFTSMAN	WOOD	c. 1920	5:18		92
			317	SCOTT						5:19		
*			322	SCOTT	RESIDENTIAL	MODIFIED L-PLAN	VICTORIAN	WOOD	1897	5:20	S2:10	93
			322	SCOTT						5:21		
			322	SCOTT						5:22		
*			323	SCOTT	RESIDENTIAL	L-PLAN	VICTORIAN	WOOD	c. 1910	5:16	S2:9	91
			323	SCOTT						5:17		
X			515	SCOTT	RESIDENTIAL	FOLK	NATIONAL	WOOD	c. 1900	2:21		29
			515	SCOTT				WOOD B&B		2:22		
X			605	SCOTT	RESIDENTIAL	CENTER PASSAGE PLAN	NEOTRADITIONAL	WOOD	c. 1950	2:20		28
X			108	TRAVIS	RESIDENTIAL	CENTER PASSAGE PLAN	NEOTRADITIONAL	PLYWD. SIDING	c. 1950	11:19		189
X			115	TRAVIS	RESIDENTIAL			BRICK		11:17		187
X			116	TRAVIS	RESIDENTIAL	CENTER PASSAGE PLAN	NEOTRADITIONAL	WOOD	c.1940	11:20		
X			122	TRAVIS		BUNGALOW	CRAFTSMAN	SHINGLE	c.1940	11:21		
X			123	TRAVIS	RESIDENTIAL			SIDING	c.1980	11:18		

EXHIBIT

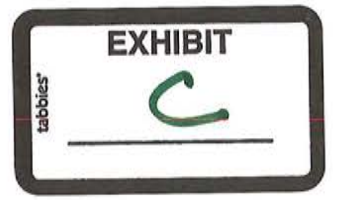
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Survey Inventory Table - Phase 2
My Historic SMTX City of San Marcos Historic Resources Survey Report
June 2019

Local ID	Priority	Explanation	Address No.	Street Name	Current Name	Historic Name
Medium Priority Resources - Phase 2						
R43646			130	S Mitchell St		
R43658	Medium		206	S Mitchell St		
R43676	Medium	Not historic age but significant for historical association with African-American congregation	420	S Mitchell St	First Baptist Church NBC	Colored Baptist Church Zion
R43645	Medium	Need further information	118 (rear)	S Mitchell St		
R27328	Medium	Merits further research for association with GI Forum and possibly local public housing	415, 417, 419, 421	S Mitchell St	American GI Forum	
R41711	Medium	Identified as medium priority and 1990s survey; retains integrity	515	Scott St		
R35231	Medium	Identified as medium priority and 1990s survey; largely intact despite side addition	310	Scott St		
R41714	Medium	Identified as medium priority and 1990s survey	317	Scott St		
R32113	Medium	Identified as medium priority and 1990s survey	605	Scott St		
R42556	Medium	Retains integrity as part of row of minimal traditional on street	725	Smith St		
R42557	Medium	Retains integrity as part of row of minimal traditional on street	729	Smith St		
R42558	Medium	Retains integrity as part of row of minimal traditional on street	733	Smith St		
R35849	Medium		116	Travis St		
R35858	Medium		122	Travis St		
R35861	Medium		123	Travis St		

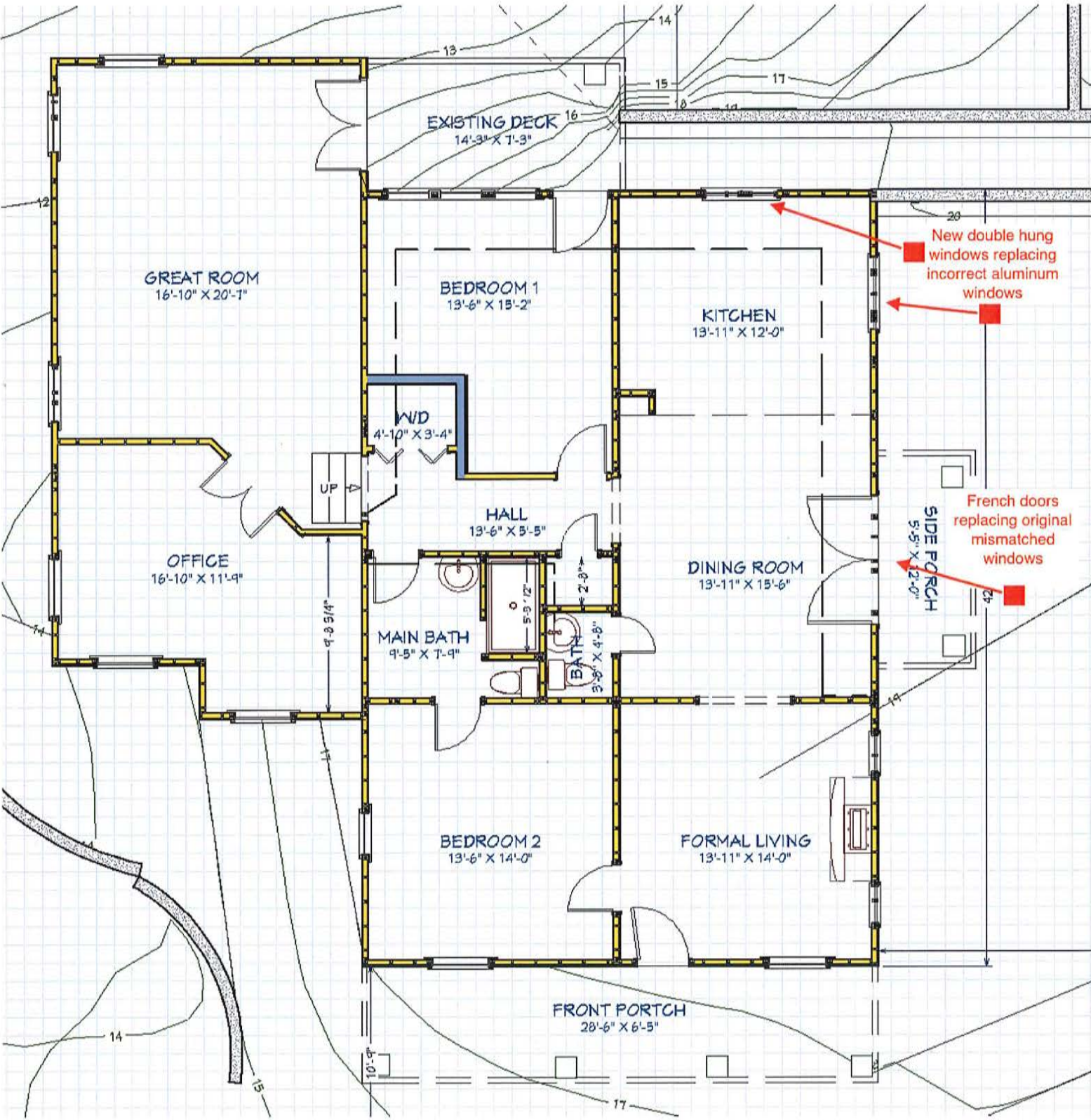
Can we work this
up to show what's
being added













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EXHIBIT

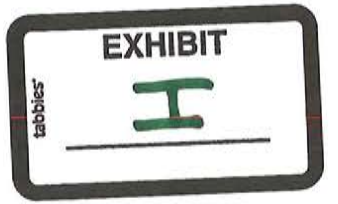
6

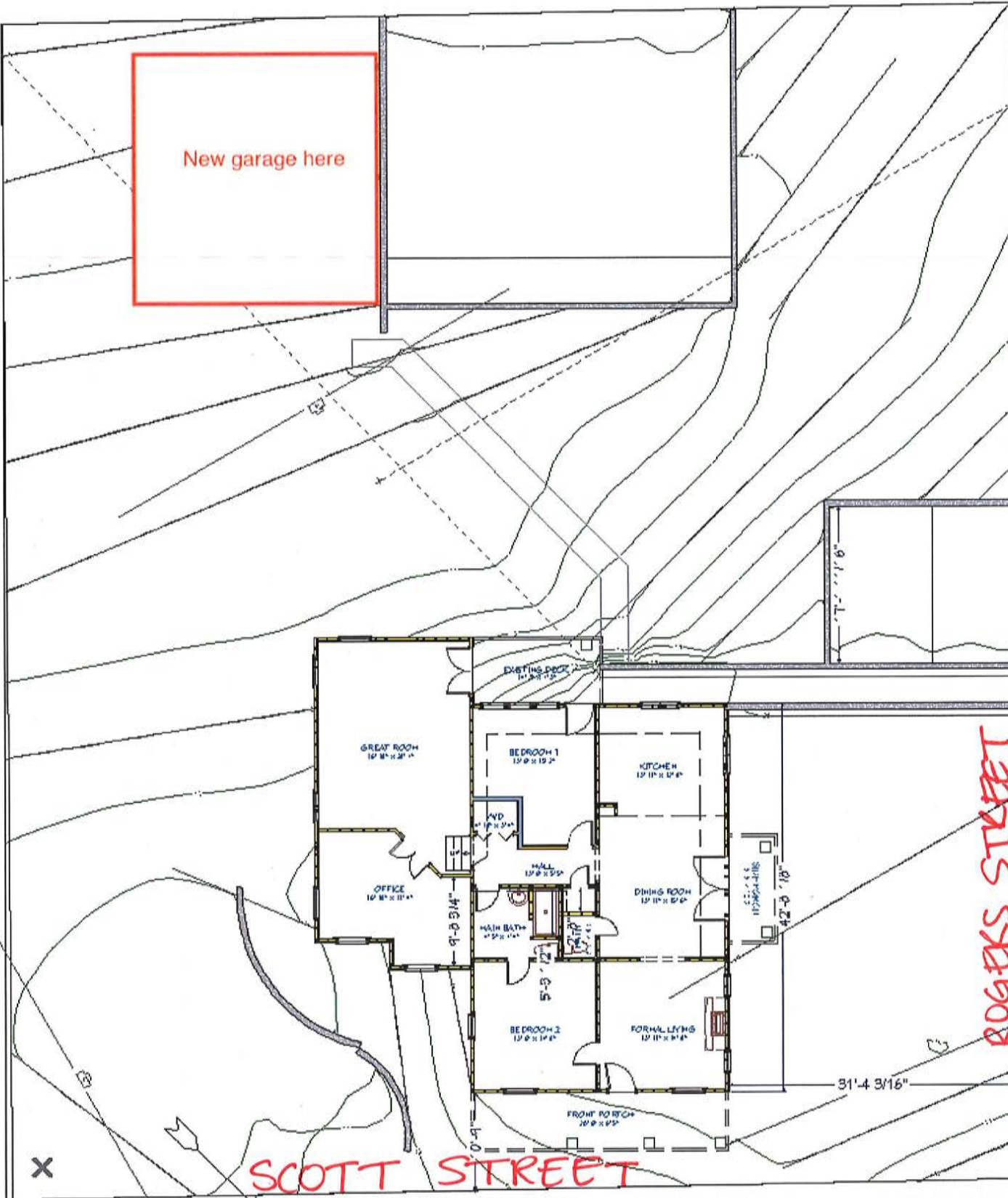


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EXHIBIT

H





ΣΤΕΦΑΝΟΣ

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EXHIBIT

K

CONNECT WITH
ADVANCED HOUSE PLANS

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If the contractor or sub-contractor, in the course of their work, finds any discrepancies between the plan and the physical conditions of the site or structure, or any errors in the plans or specifications, it will be his responsibility to immediately inform AQL who will promptly verify and, if necessary, correct the drawings. Any work done after such discovery will be done at the contractor's expense.

DESIGN LOADS:

• Roof 15 psf, dead 5 psf, live	• Roof 15 psf, dead 5 psf, live	• Ceiling 10 psf, dead 5 psf, live
---------------------------------------	---------------------------------------	--

- Soil bearing Capacity - 5000 psf.
- Live loads, dead loads, and loads, snow loads, wind loads, seismic loads, and other loads shall be combined for the construction and all materials to plans made accordingly. See your local building officials for the specific load values, building restrictions and the conditions.

CONCRETE AND FOUNDATIONS.

All foundation walls and slabs on grade shall be 3000 psi concrete.

All interior slabs on grade shall bear on a compacted granular fill with all soils placed below vapor barrier underneath.

Foundation bolts shall be anchored to wall piers at per local requirements for expansion and contraction joints as per local code.

At 36" x 36" x 8' concrete pads to serve (3) as footings each wall section.

At 48" x 48" x 24" concrete pads to serve (4) as rods each wall section.

Walls are not to be back-filled until properly braced.

Ventilators of front facings with your local codes.

Foundation bolts shall be anchored as required by local building department.

Foundation bolts shall be anchored to all piers at 50'

STEEL

- 1. All structural steel for beams and plates shall comply with A57M specification A-36.
- 2. All structural steel for steel columns shall comply with A57M specification A-572 Grade 50 or A-501.
- 3. All reinforcing steel for concrete shall comply with A61M specification A-615 Grade 60.
- 4. All steel reinforcement for concrete shall be in pockets.
- 5. Steel columns are to be 3' x 3' (inside dimension) unless otherwise specified.

DESIGN REQUIREMENTS:

(1) The following characteristics shall be used in the design of the container:

(a) Container to conform to the size, shape and weight of the container specified in the design.

(b) Container to be made of a material suitable for the intended use.

(c) Container to be made of a material suitable for the intended use.

(d) Container to be made of a material suitable for the intended use.

(e) Container to be made of a material suitable for the intended use.

(f) Container to be made of a material suitable for the intended use.

(g) Container to be made of a material suitable for the intended use.

(h) Container to be made of a material suitable for the intended use.

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(q) Container to be made of a material suitable for the intended use.

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(u) Container to be made of a material suitable for the intended use.

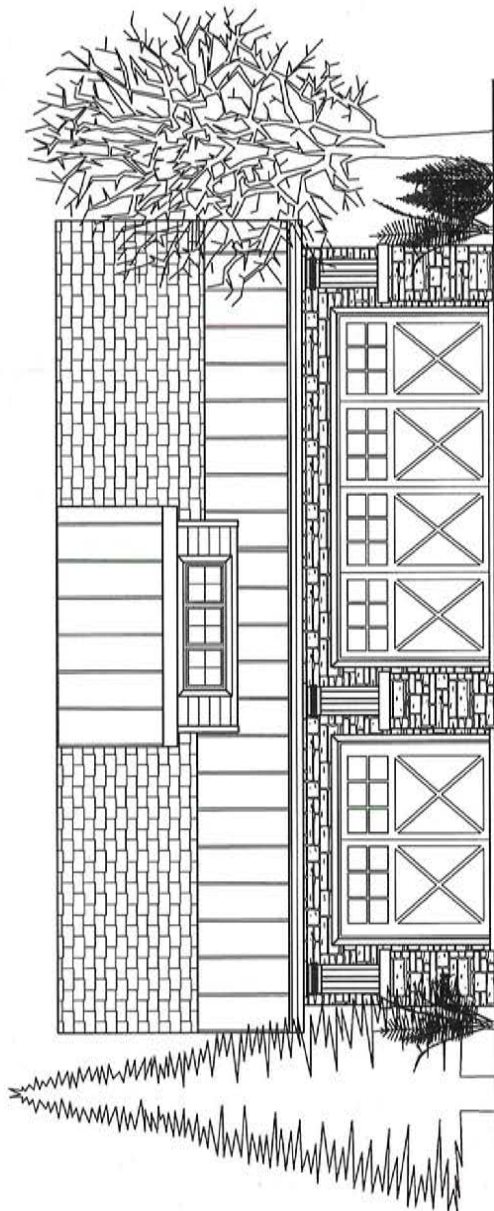
(v) Container to be made of a material suitable for the intended use.

(w) Container to be made of a material suitable for the intended use.

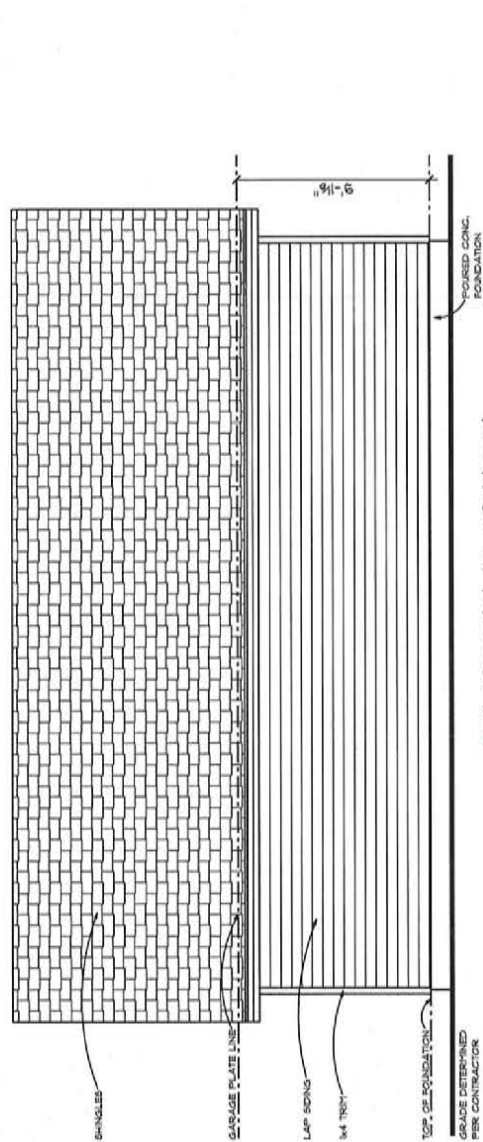
(x) Container to be made of a material suitable for the intended use.

(y) Container to be made of a material suitable for the intended use.

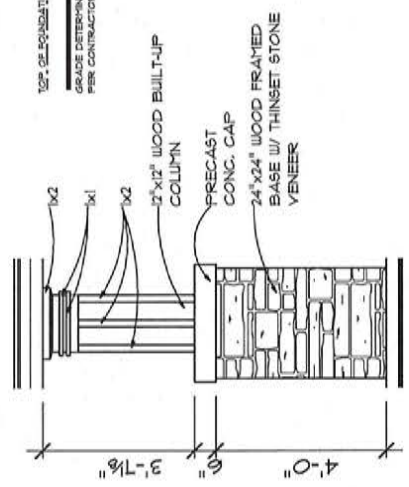
(z) Container to be made of a material suitable for the intended use.

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Label as New

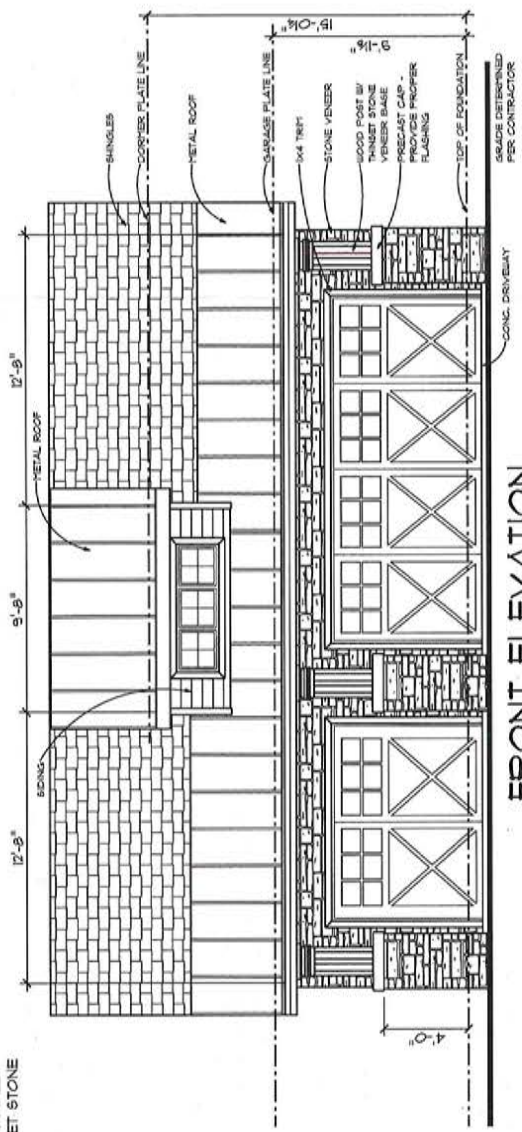


REAR ELEVATION

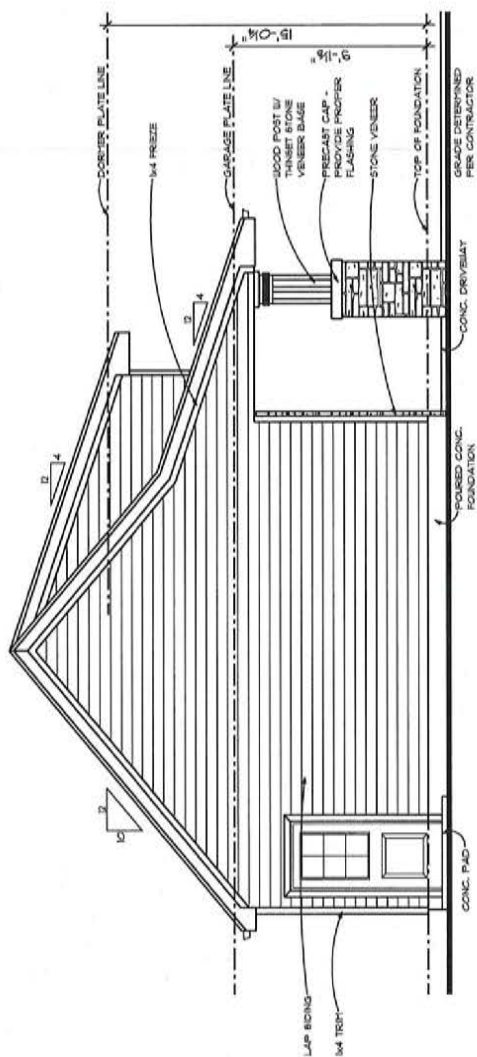


COLUMN DETAIL

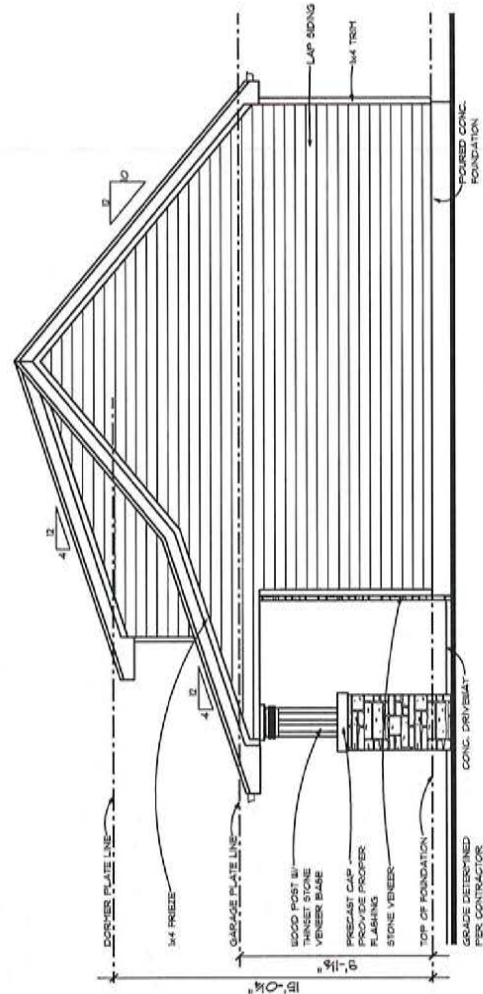
SCALE: 1/2" = 1'-0"



FRONT ELEVATION



LEFT ELEVATION



RIGHT ELEVATION
SCALE 1/4" = 1'-0"

Section 2.5.5.4 Criteria for Approval

The following criteria shall be used to determine whether the application for a certificate of appropriateness shall be approved, conditionally approved or denied:

- (1) Consideration of the effect of the activity on historical, architectural or cultural character of the Historic District or Historic Landmark;
- (2) For Historic Districts, compliance with the Historic District regulations;
- (3) Whether the property owner would suffer extreme hardship, not including loss of profit, unless the certificate of appropriateness is issued;
- (4) The construction and repair standards and guidelines cited in Section 4.5.2.1

Section 4.5.2.1 Historic Districts

I. Construction and Repair Standards.

- (1) New construction and existing buildings and structures and appurtenances thereof within local Historic Districts that are moved, reconstructed, materially altered or repaired shall be visually compatible with other buildings to which they are visually related generally in terms of the following factors; provided, however, these guidelines shall apply only to those exterior portions of buildings and sites visible from adjacent public streets:
 - a. **Height.** The height of a proposed building shall be visually compatible with adjacent buildings.
 - b. **Proportion of building's front facade.** The relationship of the width of a building to the height of the front elevation shall be visually compatible to the other buildings to which it is visually related.
 - c. **Proportion of openings within the facility.** The relationship of the width of the windows in a building shall be visually compatible with the other buildings to which it is visually related.
 - d. **Rhythm of solids to voids in front Facades.** The relationship of solids to voids in the front facade of a building shall be visually compatible with the other buildings to which it is visually related.
 - e. **Rhythm of spacing of Buildings on Streets.** The relationship of a building to the open space between it and adjoining buildings shall be visually compatible to the other buildings to which it is visually related.
 - f. **Rhythm of entrance and/or porch projection.** The relationship of entrances and porch projections to sidewalks of a building shall be visually compatible to the other buildings to which it is visually related.
 - g. **Relationship of materials, texture and color.** The relationship of the materials, and texture of the exterior of a building including its windows and doors, shall be visually compatible with the predominant materials used in the other buildings to which it is visually related.
 - h. **Roof shapes.** The roof shape of a building shall be visually compatible with the other buildings to which it is visually related.
 - i. **Walls of continuity.** Appurtenances of a building including walls, fences, and building facades shall, if necessary, form cohesive walls of enclosure along a street, to ensure visual compatibility of the building to the other buildings to which it is visually related.
 - j. **Scale of a building.** The size of a building, the mass of a building in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible with the other buildings to which it is visually related.
- (2) The Historic Preservation Commission may use as general guidelines, in addition to the specific guidelines contained this section, the Historic Design Guidelines located in Appendix C of the San Marcos Design Manual and the current Standards for Historic Preservation Projects issued by the United States Secretary of the Interior.



MEMO

TO: Historic Preservation Commission
FROM: Alison Brake, CNU-A, Historic Preservation Officer and Planner
DATE: June 20, 2019
RE: Item 5 – Approval of My Historic SMTX

My Historic SMTX, the City's Historic Resources Survey, was officially kicked off in November 2018. Based upon the size of the survey area and the number of historic-age resources present, the project was divided into two phases; over 1,000 properties were surveyed in the field. Funded in part through a 2018 Certified Local Government (CLG) grant from the Texas Historical Commission (THC), the purpose of the survey is:

- To evaluate and update to the three existing historic surveys (the last was conducted in 1997)
- Identification, documentation, and prioritization of new resources that had not been surveyed, and
- Development of a survey report with valuable recommendations to assist the city with future designations, to review and assess future planning initiatives and development proposals, and to provide guidance on resources that are most threatened.

The comprehensive survey report is intended to assist the City in its assessment of future planning and development initiatives and provide guidance on historically and culturally significant resources that are most threatened by current development pressures. Contents of the report include:

- An overview of the survey areas
- Research and survey methodologies
- Previously inventoried historic resources
- National Register of Historic Properties (NRHP), local landmark, and preservation priority evaluation criteria
- A historic context for San Marcos
- Phase 1 and Phase 2 survey results
- Recommendations for preservation priority
- Potential designation initiatives for NRHP and local landmarks and districts
- Areas meriting further study
- Survey maps of all documented resources within the Phase 1 and Phase 2 reconnaissance survey areas (including high, medium, and low preservation priority)

Elizabeth Porterfield, project manager and Senior Architectural Historian with Hicks and Company, sent the Phase 2 report and appendices to the Historic Resources Survey Coordinator, Leslie Wolfenden, and the CLG Coordinator, Lorelei Willet, on June 14, 2019. The

Phase 2 draft report has been reviewed by the City of San Marcos and the San Marcos Historic Preservation Commission (HPC) and all comments have been addressed. The Phase 2 report and revised Phase 1 survey forms also include all comments addressed from the THC on the previously submitted Phase 1 report and appendices. THC has seen the bulk of the report and any comments they have on the report will be incorporated into the final document. The survey is required to be reviewed by THC because the project is partially funded through them.

Staff recommends **approval and official adoption** of My Historic SMTX. Following adoption of the survey by the Historic Preservation Commission, staff will present the survey and findings to the Planning and Zoning Commission at their July 23rd meeting, and then present it to City Council on August 20, 2019 for formal adoption.

My Historic SMTX, along with appendices, can be found under “My Historic SMTX Deliverables” on the My Historic SMTX webpage, www.sanmarcostx.gov/myhistoricsmtx. A hard copy will be given to each Commissioner at the July 11th meeting.



MEMO

TO: Historic Preservation Commission
FROM: Alison Brake, CNU-A, Historic Preservation Officer and Planner
DATE: June 28, 2019
RE: Item 7 – Demolition Review for Historic-age Resources

While demolition requests are subject to review by City staff, the Code does not consider historic significance as a criteria. If a structure is a locally designated landmark or within a local historic district, a Certificate of Appropriateness is required to be reviewed by City staff and the Historic Preservation Commission (HPC) following the process outlined in Section 2.5.5.1(B) of the San Marcos Development Code. There is currently no language in the San Marcos Development Code to allow for the review of demolition applications for non-designated resources (i.e. those that are not existing local landmarks or within existing local historic districts). Many cities around Texas have codified a demolition review process that reviews demolition requests concerning historic-age resources. Generally, a historic-age resource is defined by the National Parks System and the Texas Historical Commission as one that is 50 years old or older.

One of the recommendations from the Historic Resources Survey Report of *My Historic SMTX*, the City's recent historic resources survey, speaks to the need for including a demolition review process for historic-age resources. Staff will be presenting the historic resources survey to the Planning and Zoning Commission on July 23 and bringing it to the City Council for adoption at the August 20, 2019 meeting.

The following actions are recommended in *My Historic SMTX*:

- All submitted demolition applications are reviewed for historic significance based on criteria by the HPO/Planning and Development Services Department as part of the application process (regardless of age or significance of building);
- A 30–90-day review period is required for demolition applications of designated historic resources and non-designated historic-age resources that are determined by the HPO/Planning and Development Services Department using criteria for determining the building as potentially significant or meriting further investigation to allow for research, consultation with the property owner, and evaluation for potential local landmark/district eligibility, if applicable;
- As an alternative to the review of all submitted demolition applications, the City could create “Demolition Review Period Overlay Districts” for those areas identified as containing a large number of high and medium preservation priority resources or that

have been recommended as potential local historic districts or expansion of existing historic districts;

- As an alternative to the proposed 30–90-day review period, a “high priority” review period could be implemented for demolition permits submitted for designated historic resources, resources within a “Demolition Review Period Overlay District,” and/or those that have been identified in the current survey as high or medium preservation priority.

Staff has outlined the demolition review processes from other cities. Each city’s ordinance has also been included as backup material:

1. Austin – The Historic Preservation Office reviews demolition applications for all buildings over 45 years old. Staff may administratively approve project if it does not meet eligibility criteria. The review period may take up to 5 business days. If the property is determined as potentially significant, project is referred to the Historic Landmark Commission (HLC) for public hearing and review. The HLC may initiate a historic designation case. Full demolition or relocation of a contributing building in a National Register historic district is always referred to the HLC. Review may take up to 180 days from the receipt of a complete application.
2. San Antonio – The Office of Historic Preservation reviews all demolition applications. For non-designated historic-age properties, there is a 30-day review period to determine potential landmark eligibility. If the building is determined to have significance, property is referred to the Historic and Design Review Commission (HDRC) for public hearing. If the HDRC concurs that the property is significant and the applicant is unwilling to designate, the HDRC requests a resolution from City Council to initiate designation.
3. Waco – An automatic 90-day delay is initiated for properties that are considered to be eligible for designation as a historic landmark but not so designated. During the delay, the historic preservation officer works with the Historic Preservation Landmark Commission (HLPC) to notify all potentially interested parties of the pending demolition to allow such parties to take whatever steps deemed appropriate to preserve the property. The delay period may be extended by the HLPC for an additional 90 days; the delay period cannot exceed 180 days. No initiation of landmark designation appears to be included in the process.
4. Dallas – Four Demolition Delay Overlay Districts have been identified and are subject to a 45-day delay before a demolition permit can be granted. Buildings in these districts must be reviewed by the HPO prior to the issuance of a demolition permit to determine if the structure qualifies for the demolition delay. If the building qualifies, within 45 days of the determination, a public meeting is held with the owner, city officials, and stakeholders to discuss alternatives to demolition. If at the end of the 45-day period, the owner may enter into an agreement with the city to delay the demolition for an additional time period to explore alternatives. If the owner declines to enter into an agreement not to demolish, the building official may grant the demolition permit. No initiation of landmark designation appears to be included in the process.

On Thursday, June 27, 2019, City Council adopted Ordinance 2019-19 establishing a waiting period for issuance of demolition permits for historic structures identified as Medium or High preservation priority buildings, if inside the survey boundary, or at least 80 years old, if outside the survey boundary. The ordinance requires advance public notice of the proposed demolition or removal. The ordinance is attached.

As the Commission discusses the potential demolition delay ordinance, Staff is requesting direction more specifically on the following points:

1. Criteria for Determining Subject Properties

Staff recommendation:

- a. If inside the *My Historic SMTX* survey boundary, properties listed with a High or Medium preservation priority
- b. If outside the *My Historic SMTX* survey boundary, properties currently listed on the National Register of Historic Properties (NRHP) and/or a Recorded Texas Historical Landmark (RTHL)

2. Review Period

Staff recommendation:

- a. High preservation priority properties and NRHP or RTHL properties outside the survey boundary: 90-day review
- b. Medium preservation priority properties: 60-day review

3. Notification List

Staff recommendation:

- a. Property Owners within 400' (mailed notice)
- b. Historic Preservation Commission (E- Notice)
- c. President of the Heritage Association (E- Notice)
- d. Hays County Historical Commission (E- Notice)
- e. Neighborhood Commission (E- Notice)
- f. President of CONA (E- Notice)
- g. Application Notice to any interested person signed up to receive Notice of Application under Sec. 2.3.2.1. includes posting on the City's website.

4. Process

Option 1: The purpose of this process is to slow down the demolition of a property to provide, the public, other interested preservation based organizations, and staff an opportunity to work with the property owner on alternative solutions to demolition where possible.

Responsible Party	Action	Approximate # of Days
Applicant	Application Submitted	0 Days
Staff	Determine if the demolition is subject to the demolition delay provision.	12 Days
Staff	Notifications sent to all entities described in the ordinance	20 days

Applicant*	Schedule and host a Neighborhood Presentation meeting in accordance with Sec. 2.3.1.1(E). The purpose of the meeting is to allow discussion of alternatives to demolition and methods for the potential preservation of historic character.	45 Days
Staff	If no alternative to demolition is negotiated, issue demolition permit to properties listed as medium preservation priority in the <i>My Historic SMTX</i> survey boundary	60 days
Staff	If no alternative to demolition is negotiated, issue demolition permit to properties listed as high preservation priority in the <i>My Historic SMTX</i> survey boundary or currently listed as NRHP or RTHL properties.	90 Days

*Alternatively this meeting could be a public hearing at the Historic Preservation Commission with the same purpose.

Option 2: The purpose of this process is to provide the City the ability to delay consideration of a request for demolition until a determination whether a structure is eligible for designation as a local landmark can be made. It is important to note that based on recent State Legislation designating a structure without property owner consent requires a three-fourths majority vote of the City Council and all boards and commissions (HPC and P&Z). Below is one example of how such a process could work.

Responsible Party	Action	Approximate # of Days
Applicant	Application Submitted	0 Days
Staff	Determine if the demolition is subject to the demolition delay provision.	12 Days
Staff	Notifications sent to all entities described in the ordinance	20 days
Historic Preservation Commission	<i>Public Hearing and Consideration</i> The purpose of this meeting is to determine if the subject property meets the City's criteria for listing as a local landmark in Sec. 2.5.4.5. If HPC determines that the property is eligible, then the initiation of a landmark case and extension of the delay period is requested by resolution to the City Council. If the property is not determined eligible the demolition permit is issued at the termination of the delay period.	45 Days
City Council	Consideration of the resolution by the HPC to extend the demolition delay period and initiate a local landmark case.	75 Days
Historic Preservation Commission	Public Hearing and local landmark recommendation under Sec. 2.5.4.2.	105 Days
Planning and Zoning	Public hearing and recommendation on Local Landmark Designation.	135 Days

City Council	Public hearing and consideration of Local Landmark designation on first reading	142 Days
City Council	Second reading on local landmark designation	156 Days
Applicant	Submission of an application for Certificate of Appropriateness to demolish a Local Landmark	157 Days
Historic Preservation Commission	Considers the Certificate of Appropriateness based on criteria in Sec. 2.5.5.4 and Secretary of the Interior Standards	202 Days
Applicant or other Interested Person	Submit an appeal of the Zoning Board of Adjustments (ZBOA) decision	212 Days
Zoning Board of Adjustments	Consideration of the appeal based on criteria in Sec. 2.5.5.5	257 Days
District Court	An appeal of the ZBOA decision is considered by District Court	

Staff Recommendation:

Based on a review of the current preservation needs of the City, Staff recommends Option 1 with a proactive approach to designate local historic landmarks. This recommendation would utilize the information within *My Historic SMTX* to work with property owners to identify possible buildings and properties eligible for local landmark designation. This proposed landmarking initiative is included as one of the top three priority recommendations from the recently completed survey. Approval of a demolition review period is the top recommendation.

Next Steps

If recommended, the demolition review process would be considered a text amendment to the San Marcos Development Code and would follow the process outlined in Chapter 2, Article 4, Division 1. Following direction given at the July 11th meeting, Staff could present a draft ordinance to the Commission at a special meeting for consideration and recommendation. The text amendment could then be considered for recommendation by the Planning and Zoning Commission at their August 27th Regular Meeting. Following that meeting, Staff could place the text amendment on the September 3rd City Council meeting agenda for first reading and September 17 for second reading.

The emergency Demolition Delay Ordinance is effective for 120 days from the adoption date of June 27, 2019 and therefore set to expire on October 23, 2019.

Staff recommends beginning the landmarking initiative immediately following adoption of the survey.

Division 1. - Historic Structures Generally.

§ 25-11-211 - DEFINITIONS.

In this article:

- (1) ALTERATION means any exterior change, demolition, or modification to a historic landmark or to a contributing property located within a historic area (HD) combining district, including, but not limited to:
 - (a) exterior changes to or modifications of structures, architectural details, or visual characteristics;
 - (b) construction of new structures;
 - (c) disturbance of archeological sites or areas; or
 - (d) placement or removal of exterior objects that affect the exterior qualities of the property.
- (2) ARCHITECTURAL FEATURE means an architectural element, which alone or as part of a pattern, embodies the style, design, or general arrangement of the exterior of a building or structure, including but not limited to the kind, color, and texture of building materials, and style and type of windows, doors, lights, porches, and signs.
- (3) CERTIFICATE means a certificate of appropriateness issued by the City approving work on, relocation of, or demolition of a historic structure, historic or archeological site, or a contributing structure within a historic area (HD) combining district.
- (4) COMMISSION means the Historic Landmark Commission.
- (5) CONTRIBUTING STRUCTURE means a building, structure, site, feature, or object within a designated historic area (HD) combining district which has been designated as a contributing structure by the ordinance creating the district, or within a National Register District.
- (6) DEMOLITION BY NEGLECT means lack of maintenance of any building or structure designated as a historic landmark (H) or any building or structure designated by ordinance as contributing to a historic area (HD) combining district that results in deterioration and threatens the preservation of the structure.
- (7) HISTORIC AREA COMBINING DISTRICT means a district approved by the Council through an ordinance which contains a geographically definable area, possessing particular architectural, cultural, or historic importance or significance. A historic area (HD) combining district must consist, at a minimum, of one block-face.
- (8) ORDINARY REPAIR OR MAINTENANCE means any work that does not constitute an exterior change in design, material, or outward appearance, and includes in-kind replacement or repair with the same original material.
- (9) OWNER OR PROPERTY OWNER means the record owner of a property within an existing or proposed historic landmark (H) or historic area (HD) combining district or an agent of the property owner.

Source: Chapter 13-2 Division 4, Part B; Ord. 990225-70; Ord. 031211-11; Ord. 041202-16; 20090806-068.

§ 25-11-212 - CERTIFICATE REQUIRED.

- (A) Until a person obtains a certificate of appropriateness from the Commission or the building official, the person may not:
 - (1) change, restore, rehabilitate, alter, remove, or demolish an exterior architectural or site feature of a designated historic landmark or a contributing structure, whether or not a building or demolition permit is required, and including but not limited to the replacement of windows, doors, exterior siding materials, installation of shutters or exterior lighting, or the replacement of roof materials; or

- (2) change, restore, remove or demolish an exterior architectural or site feature of a structure for which a designation is pending under Section 25-11-213 (Pendency Of Designation).
- (B) Except for a change to the exterior color of a historic landmark, the prohibition of Subsection (A) does not apply if the historic preservation officer determines that a change or restoration:
 - (1) is ordinary repair or maintenance that does not involve changes in architectural and historical value, style, or general design;
 - (2) is an accurate restoration or reconstruction of a documented missing historic architectural element of the structure or site, unless a variance or waiver is requested; or
 - (3) does not visually affect the historic character of the structure or site from an adjacent public street, and is limited to the construction of:
 - (a) a ground-floor, one-story addition or outbuilding with less than 600 square feet of gross floor area;
 - (b) a second-story rear addition to a two-story building, so long as the addition is not visible from an adjacent public street; or
 - (c) a pool, deck, fence, back porch enclosure, or other minor feature.
- (C) A criminal penalty for a violation of this section applies only to a person who has actual or constructive notice that:
 - (1) the structure is a designated historic landmark or contributing structure; or
 - (2) a designation is pending under Section 25-11-213 (Pendency Of Designation).

Source: Sections 13-2-760(a), 13-2-760(d), 13-2-761(a), 13-2-762(b), and 13-2-762(d); Ord. 990225-70; Ord. 031211-11; Ord. 041202-16; 20090806-068.

§ 25-11-213 BUILDING, DEMOLITION, AND RELOCATION PERMITS AND CERTIFICATES OF APPROPRIATENESS RELATING TO CERTAIN BUILDINGS, STRUCTURES OR SITES.

- (A) In this section "National Register Historic District" means an area designated in the Federal Register under the National Preservation Act of 1966, as amended, for which maps depicting the area are available for inspection by the public at the Neighborhood Planning and Zoning Department.
- (B) Except as provided in Subsection (C), this section applies to a building, structure, or site:
 - (1) located in a National Register Historic District;
 - (2) listed in a professionally prepared survey of historic structures approved by the historic preservation officer;
 - (3) individually listed in the National Register of Historic Places;
 - (4) designated as a Recorded Texas Historic Landmark, a State Archeological Landmark, or a National Historic Landmark;
 - (5) designated as a historic landmark (H) combining district;
 - (6) located within a historic area (HD) combining district; or
 - (7) determined by the historic preservation officer to have potential for designation as a historic landmark.
- (C) This section does not apply to a structure if the historic preservation officer determines that the structure:
 - (1) is less than 50 years old;
 - (2) does not meet at least two of the criteria for designation as a historic landmark (H) combining district prescribed by Section 25-2-352(A)(3)(b) (Historic Designation Criteria); and
 - (3) is not a contributing structure in a historic area (HD) combining district.
- (D) When the building official receives an application requesting a building permit, relocation permit, or demolition permit for a structure to which this section applies, the building official shall immediately:
 - (1) notify the historic preservation officer; and

- (2) upon receipt of notification by the historic preservation officer that the application will be placed upon the Commission agenda, the building official shall post a sign on the site and notify property owners, residents, and registered neighborhood associations in accordance with Section 25-1-133(A).
- (E) The historic preservation officer shall complete the review of an application for a demolition, relocation, or building permit within five business days of receipt of a complete application, and determine whether to place the application on the Commission agenda.
- (F) The Commission shall hold a public hearing on an application described in Subsection (D) within 60 days of receipt of a complete application.
- (G) The building official shall not issue a building permit, relocation permit, or demolition permit for a structure to which this section applies until the earlier of:
 - (1) the date the Commission makes a decision not to initiate a historic zoning designation case regarding the structure;
 - (2) the date on which the Commission approves an application for a certificate of appropriateness, or makes recommendations on an application for a building permit;
 - (3) the expiration of 75 days after the date of the first Commission meeting at which the application is posted on the agenda; or
 - (4) the expiration of 180 days after receipt of a complete application for a contributing structure within a National Register Historic District or a pending historic area (HD) combining district.
- (H) If the Commission makes a decision to initiate a historic zoning designation case, a designation becomes pending on the structure under Section 25-11-214.
- (I) The historic preservation officer may approve applications for each of the following:
 - (1) Building permits for properties located within a National Register Historic District which are considered minor projects, such as:
 - (a) construction of a one-story ground-floor addition or outbuilding with no more than 600 square feet of gross floor area;
 - (b) construction of a second-story rear addition to a two-story building or structure if the addition is not visible from an adjacent public street; or
 - (c) construction of a pool, deck, fence, back porch enclosure, or other minor feature.
 - (2) Demolition permits for minor outbuildings within a National Register Historic District such as carports, detached garages, sheds, greenhouses, and other outbuildings determined by the historic preservation officer not to possess historical or architectural significance either as a stand-alone building or structure, or as part of a complex of buildings or structures on the site.
 - (3) Demolition or relocation permits for properties deemed non-contributing to the historic character of a National Register Historic District.
- (J) The building official may not release a demolition or relocation permit for a building or structure deemed contributing to a National Register Historic District or a historic area (HD) combining district until the Commission has reviewed and made recommendations on the application for a building permit for the site, unless the building official determines that demolition or relocation is necessary for reasons related to public safety.

Source: Section 13-2-763; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 041202-16; 20090806-068; Ord. 20111215-091; Ord. 20130829-106.

§ 25-11-214 - PENDENCY OF DESIGNATION.

- (A) A building, structure, or site is subject to this article if a designation as a historic landmark is pending. A permit issued for a building, structure, or site while a designation as a historic landmark is pending is void.

- (B) A designation is pending under Subsection (A) on the occurrence of the earliest of the following:
- (1) two members of the Commission direct the historic preservation officer in writing to place the building, structure, or site on the Commission's agenda for consideration of whether the building, structure, or site should be designated as a historic landmark; or
 - (2) Commission agenda is posted that includes Commission consideration of whether the building, structure, or site should be designated as a historic landmark.
 - (3) a Commission agenda is posted that includes Commission consideration of an application for a demolition, relocation, or building permit concerning the building, structure, or site.
- (C) A written order issued by a member of the Commission under Section (B)(1) must address:
- (1) whether the structure should be considered for historic zoning;
 - (2) whether the status quo of the structure should be maintained pending historic zoning proceedings; and
 - (3) whether, if the status quo is not maintained pending historic zoning proceedings, the zoning of the structure as historic may become moot.
- (D) A designation is no longer pending if:
- (1) the Commission issues a final certificate of appropriateness, or a demolition, relocation, or building permit, as applicable;
 - (2) the Commission does not make a final decision on whether to recommend designation of the structure as a historic landmark by the 75th day after the date of the first Commission meeting at which an item is posted on the agenda for action on an application for demolition, relocation, or historic zoning;
 - (3) the Commission makes a final decision to recommend that the structure not be designated a historic landmark; or
 - (4) the council makes a final decision not to designate the structure as a historic landmark.
- (E) The historic preservation officer shall provide the building official with a copy of each written order, agenda, or preservation plan described in Subsection (B), as promptly as practicable. The failure to do so does not validate a building permit, relocation permit, or demolition permit issued without notice of the written order or agenda.
- (F) If a permit from the City is not required for the change to the structure, the historic preservation officer must provide notice to the owner of the structure of a written order, or agenda that applies to the change.
- (1) Notice under this subsection may be oral or written.
 - (2) Notice under this subsection is effective:
 - (a) when actually given; or
 - (b) when sent by registered or certified mail, return receipt requested, addressed to the owner.
- (G) An applicant or owner entitled to notice under this section may appeal the Commission action under this section to the council consistent with the requirements of Chapter 25-1, Article 7, Division 1 (Appeals).

Source: Section 13-2-762; Ord. 990225-70; Ord. 031211-11; 20090806-068.

§ 25-11-215 - NOTICE TO HISTORIC PRESERVATION OFFICER REGARDING CERTAIN PERMITS AND SITE PLANS.

- (A) The building official must notify the historic preservation officer before the building official may issue a permit to demolish or relocate a structure.
- (B) The director of the Watershed Protection and Development Review Department must notify the historic preservation officer of the filing of a site plan that indicates the demolition or removal of a structure.

Source: Ord. 041202-16.

§ 25-11-216 - DUTY TO PRESERVE AND REPAIR.

- (A) The owner, or other person having legal custody and control of a designated historic landmark or contributing structure in a local historic district or National Register Historic District, shall preserve the historic landmark or contributing structure against decay and deterioration and shall keep it free from any of the following defects:
 - (1) Parts which are improperly or inadequately attached so that they may fall and injure persons or property;
 - (2) Deteriorated or inadequate foundation;
 - (3) Defective or deteriorated floor supports or floor supports that are insufficient to carry the loads imposed;
 - (4) Walls, partitions, or other vertical supports that split, lean, list, or buckle due to defect or deterioration or are insufficient to carry the loads imposed;
 - (5) Ceilings, roofs, ceiling or roof supports, or other horizontal members which sag, split, or buckle due to defect or deterioration or are insufficient to support the loads imposed;
 - (6) Fireplaces and chimneys which list, bulge, or settle due to defect or deterioration or are of insufficient size or strength to carry the loads imposed;
 - (7) Deteriorated, crumbling, or loose exterior stucco or mortar, rock, brick, or siding;
 - (8) Broken, missing, or rotted roofing materials or roof components, window glass, sashes, or frames, or exterior doors or door frames; or
 - (9) Any fault, defect, or condition in the structure which renders it structurally unsafe or not properly watertight.
- (B) The owner or other person having legal custody and control of a designated historic landmark or contributing structure in a local historic district or National Register Historic District shall, in keeping with the city's minimum housing standards, repair the landmark or structure if it is found to have any of the defects listed in Subsection (A) of this section.
- (C) The owner or other person having legal custody and control of a designated historic landmark, or a building, object, site, or structure located in a historic district, or a contributing structure in a local historic district or National Register Historic District, shall keep the property clear of all vermin, weeds, fallen trees or limbs, debris, abandoned vehicles, and all other refuse as specified under the City Code Chapter 9-1 (Abandoned Property and Vehicles), and Chapter 10-5 (Miscellaneous Public Health Regulations), Articles 2, 3, and 4.
- (D) The owner of a residence with a homestead exemption as defined under state law may apply to the city council for an exemption from the requirements of this section. The city council may grant an exemption on a showing of financial inability to comply with the requirements of this section. An exception under this subsection may be limited in time and may be subject to terms and conditions deemed necessary by the city council.

Source: Ord. 20090806-068.

§ 25-11-217 - DEMOLITION BY NEGLECT PROCEDURE.

- (A) The historic preservation officer and the Commission are authorized to work with a property owner to encourage maintenance and stabilization of the structure and identify resources available before taking enforcement action under this section.
- (B) Except as provided in Subsection (C), the following procedures apply to enforcement of this chapter.
 - (1) The Commission or the historic preservation officer may initiate an investigation of whether a property is being demolished by neglect.
 - (2) Upon initiation of an investigation, the historic preservation officer shall:
 - (a) attempt to meet with the property owner to inspect the structure and discuss the resources available for financing any necessary repairs; and
 - (b) prepare a report for the Commission on the condition of the structure, the repairs needed to maintain and stabilize the structure, and the amount of time needed to complete the repairs.

- (3) The Commission shall review the historic preservation officer's report and may vote to certify the property as a demolition by neglect case.
- (4) If the Commission certifies the property as a demolition by neglect case, the historic preservation officer shall take the following actions:
 - (a) Send notice to the property owner or the property owner's agent, by certified mail, describing the required repairs and specifying:
 - (i) that repairs must be started within 60 days; and
 - (ii) a date by which repairs must be completed, as determined by the historic preservation officer.
 - (b) Meet with the property owner within 90 days after the notice is sent, if the historic preservation officer determines that it would be useful to discuss progress in making repairs and consider any issues that may delay completion of repairs.
- (5) The historic preservation officer may refer a demolition by neglect case to the Building and Standards Commission, the City Attorney, or the appropriate city department for enforcement action to prevent demolition by neglect if the property owner fails to:
 - (a) start repairs by the deadline set in the notice;
 - (b) make continuous progress toward completion; or
 - (c) complete repairs by the deadline set in the notice.
- (6) The historic preservation officer shall provide notice of a referral under Subsection (B)(5) of this section to the property owner. The owner may appeal the historic preservation officer's referral to the city council.
- (C) If immediate enforcement is necessary to prevent imminent destruction or harm to a designated historic landmark or contributing structure, the historic preservation officer may refer the structure or landmark to the appropriate city department to enforce this chapter and to seek correction of any condition prohibited under Subsection 25-11-216 (Duty to Preserve and Repair).

Source: Ord. 20090806-068.

§ 25-11-218 - ENFORCEMENT AND PENALTIES.

- (A) A person may not violate a requirement of this article. Pursuant to Section 214.0015 (Additional Authority Regarding Substandard Buildings) of the Texas Local Government Code, a person who violates a requirement of this article commits a civil offense, and is civilly liable to the City in an amount not to exceed \$1,000 per day for each violation or an amount not to exceed \$10 per day for each violation if the property is the owner's lawful homestead.
- (B) A person who violates this article commits an offense. An offense under this article is a Class C misdemeanor punishable as provided in Section 1-1-99 (Offenses; General Penalty).
- (C) An action to enforce the requirements of this article may include injunctive relief and may be joined with enforcement of applicable City technical codes under Chapter 25-12 (Technical Codes).
- (D) If a building, object, site or structure covered by this section is required to be demolished as a public safety hazard and the owner has received two (2) or more notices of violation under Subsection 25-11-217(B), no application for a permit for a project on the property may be considered for a period of three years from the date of demolition of the structure.

Source: Ord. 20090806-068.

Division 2. - Applications for Certificates.

§ 25-11-241 - (RESERVED)

§ 25-11-242 - (RESERVED)

§ 25-11-243 - ACTION ON A CERTIFICATE OF APPROPRIATENESS.

- (A) This section applies to an application under Section 25-11-241(A) or (B) (Application For Certificate).
- (B) If the commission determines that the proposed work will not adversely affect a significant architectural or historical feature of the designated historic landmark:
 - (1) the commission shall issue a certificate of appropriateness; and
 - (2) the commission shall provide the certificate to the building official not later than the 30th day after the date of the public hearing.
 - (3) The building official shall provide the certificate to the applicant not later than the fifth day after the day the building official receives the certificate from the commission.
- (C) If the commission determines that the proposed work will adversely affect or destroy a significant architectural or historical feature of the designated historic landmark:
 - (1) the commission shall notify the building official that the application has been disapproved; and
 - (2) the commission shall, not later than the 30th day after the date of the public hearing notify the applicant of:
 - (a) the disapproval; and
 - (b) the changes in the application that are necessary for the commission's approval.
- (D) In making a determination under this section, the commission shall consider the United States Secretary of the Interior's Standards for Rehabilitation, 36 Code of Federal Regulations Section 67.7(b).

Source: Section 13-2-760(b)(2) and (3), and (c)(4); Ord. 990225-70; Ord. 000629-103; Ord. 031211-11.

§ 25-11-244 - ACTION ON A CERTIFICATE OF DEMOLITION OR REMOVAL.

- (A) This section applies to an application under Section 25-11-241(C) (Application For Certificate).
- (B) The commission shall consider:
 - (1) the state of repair of the building;
 - (2) the reasonableness of the cost of restoration or repair;
 - (3) the existing or potential usefulness, including economic usefulness, of the building;
 - (4) the purpose of preserving the structure as a historic landmark;
 - (5) the character of the neighborhood; and
 - (6) other factors the commission determines to be appropriate.
- (C) The commission shall issue a certificate to the building official if the commission determines that:
 - (1) the interest of historic preservation will not be adversely affected by the demolition or removal; or
 - (2) the interest of historic preservation can be best served by the removal of the structure to another identified location,
- (D) The building official shall notify the applicant not later than the fifth day after the certificate is issued.

Source: Section 13-2-761(a); Ord. 990225-70; Ord. 031211-11.

§ 25-11-245 - ISSUANCE OF CERTIFICATE BY BUILDING OFFICIAL.

If the commission fails to act as provided by Section 25-11-243 (Action On Certificate Of Appropriateness) or Section 25-11-244 (Action On A Certificate Of Demolition Or Removal) by the 60th day after the receipt of the application by the commission, the building official shall issue the necessary certificate to the applicant.

Source: Section 13-2-760(b)(4), (c)(5), and 13-2-761(b); Ord. 990225-70; Ord. 031211-11.

§ 25-11-246 - EFFECT OF DENIAL.

- (A) If an application for a certificate of appropriateness is denied by the commission, an application for a certificate of appropriateness on the same historic landmark may not be filed before the first anniversary of the date that the certificate of appropriateness was denied, unless the applicant states in writing that:
 - (1) conditions have changed; or
 - (2) each change in the application required by the commission under Section 25-11-243(C)(2)(b) (Action On A Certificate Of Appropriateness) has been made.
- (B) If an application for a certificate of demolition or a certificate of removal is denied by the commission, an application for a certificate of demolition or a certificate of removal on the same historic landmark may not be filed before the first anniversary of the date that the certificate of demolition or certificate of removal was denied.

Source: Section 13-2-760(b)(6), and (c)(7), and 13-2-761(c); Ord. 990225-70; Ord. 031211-11.

§ 25-11-247 - APPEAL.

- (A) An interested party may appeal an action of the commission under Section 25-11-243 (Action On A Certificate Of Appropriateness) or Section 25-11-244 (Action On A Certificate Of Demolition Or Removal), or an action of the building official under Section 25-11-245 (Issuance Of Certificate By Building Official) to the land use commission.
- (B) A decision by the land use commission on an appeal may be appealed to the council.
- (C) Except as provided by Subsection (D), an appeal must be made in accordance with the appeal procedures in Chapter 25-1, Article 7, Division 1 (Appeals).
- (D) This subsection applies only to an appeal of the issuance of a certificate of demolition or a certificate of removal.
 - (1) An interested party may file an appeal not later than the 60th day after the date of the decision.
 - (2) While an appeal is pending under this subsection, the building official may not issue a permit for the demolition or removal of the landmark.

Source: Section 13-2-760(e), 13-2-761(d); Ord. 990225-70; Ord. 031211-11; Ord. 20060622-128.

§ 25-11-248 - CHANGES PROHIBITED.

- (A) A change may not be made in the application for a permit or the approved building plans or materials after Commission review of a National Register District permit or after a certificate of appropriateness has been issued, unless the change is approved by the Commission and the applicant receives a certificate of appropriateness for the change.
- (B) The procedure for obtaining a certificate of appropriateness for a change is the same as for obtaining the initial certificate of appropriateness.

Source: Section 13-2-760(b)(5), and (c)(6); Ord. 990225-70; Ord. 031211-11; 20090806-068.

§ 25-11-249 - TOLLING OF TIME LIMITS FOR ACTION.

For purposes of the time limits for action in Sections 25-11-213, 25-11-214, and 25-11-245, a postponement requested or agreed to by the owner or his agent tolls the running of the time limit from the date of the request until the meeting to which the case has been postponed.

Source: Ord. 20090806-068.

- (A) The council may designate a structure or site as a historic landmark (H) combining district if:
- (1) the property is at least 50 years old and represents a period of significance of at least 50 years ago, unless the property is of exceptional importance as defined by National Register Bulletin 22, National Park Service (1996);
 - (2) the property retains a high degree of integrity, as defined by the National Register of Historic Places, that clearly conveys its historical significance and does not include an addition or alteration which has significantly compromised its integrity; and
 - (3) the property:
 - (a) is individually listed in the National Register of Historic Places; or is designated as a Recorded Texas Historic Landmark, State Archeological Landmark, or National Historic Landmark; or
 - (b) demonstrates significance in at least two of the following categories:
 - (i) Architecture. The property embodies the distinguishing characteristics of a recognized architectural style, type, or method of construction; exemplifies technological innovation in design or construction; displays high artistic value in representing ethnic or folk art, architecture, or construction; represents a rare example of an architectural style in the city; serves as an outstanding example of the work of an architect, builder, or artisan who significantly contributed to the development of the city, state, or nation; possesses cultural, historical, or architectural value as a particularly fine or unique example of a utilitarian or vernacular structure; or represents an architectural curiosity or one-of-a-kind building. A property located within a local historic district is ineligible to be nominated for landmark designation under the criterion for architecture, unless it possesses exceptional significance or is representative of a separate period of significance.
 - (ii) Historical Associations. The property has long-standing significant associations with persons, groups, institutions, businesses, or events of historic importance which contributed significantly to the history of the city, state, or nation; or represents a significant portrayal of the cultural practices or the way of life of a definable group of people in a historic time.
 - (iii) Archeology. The property has, or is expected to yield, significant data concerning the human history or prehistory of the region;
 - (iv) Community Value. The property has a unique location, physical characteristic, or significant feature that contributes to the character, image, or cultural identity of the city, a neighborhood, or a particular group.
 - (v) Landscape Feature. The property is a significant natural or designed landscape or landscape feature with artistic, aesthetic, cultural, or historical value to the city.
- (B) The council may designate an area as a historic area (HD) combining district if at least 51 percent of

the principal structures within the proposed district are contributing to the historic character of the district when the historic preservation officer certifies that the zoning or rezoning application is complete.

- (C) The council may enlarge the boundary of an existing historic area (HD) combining district if the additional structure, group of structures, or area adds historic, archeological, or cultural value to the district.
- (D) Except as limited by Subsection (E), the council may reduce the boundary of an existing historic area (HD) combining district if:
 - (1) the structure to be excluded does not contribute to the historic character of the district;
 - (2) excluding the structure or area will not cause physical, historical, architectural, archeological, or cultural degradation of the district; or
 - (3) a reasonable use of the structure that allows the exterior to remain in its original style does not exist.
- (E) The minimum size for a historic area (HD) combining district is one block face.

Source: Ord. 041202-16; Ord. 20060622-128; Ord. 20111215-091.

Demolition of a historic landmark constitutes an irreplaceable loss to the quality and character of the City of San Antonio. Accordingly, these procedures provide criteria to prevent unnecessary damage to the quality and character of the city's historic districts and character while, at the same time, balancing these interests against the property rights of landowners.

- (a) **Applicability.** The provisions of this section apply to any application for demolition of a historic landmark (including those previously designated as historic exceptional or historic significant) or a historic district.
 - (1) **Historic Landmark.** No certificate shall be issued for demolition of a historic landmark unless the applicant provides sufficient evidence to support a finding by the commission of unreasonable economic hardship on the applicant. In the case of a historic landmark, if an applicant fails to prove unreasonable economic hardship, the applicant may provide to the historic and design review commission additional information regarding loss of significance as provided in subsection (c) in order to receive a historic and design review commission recommendation for a certificate for demolition.
 - (2) **Entire Historic District.** If the applicant wishes to demolish an entire designated historic district, the applicant must provide sufficient evidence to support a finding by the commission of economic hardship on the applicant if the application for a certificate is to be approved.
 - (3) **Property Located in Historic District and Contributing to District Although Not Designated a Landmark.** No certificate shall be issued for property located in a historic district and contributing to the district although not designated a landmark unless the applicant provides sufficient evidence to support a finding by the commission of unreasonable economic hardship on the applicant if the application for a certificate is disapproved. When an applicant fails to prove unreasonable economic hardship in such cases, the applicant may provide additional information regarding loss of significance as provided in subsection (c) in order to receive a certificate for demolition of the property.
- (b) **Unreasonable Economic Hardship.**
 - (1) **Generally.** The historic and design review commission shall be guided in its decision by balancing the historic, architectural, cultural and/or archaeological value of the particular landmark or eligible landmark against the special merit of the proposed replacement project. The historic and design review commission shall not consider or be persuaded to find unreasonable economic hardship based on the presentation of circumstances or items that are not unique to the property in question (i.e. the current economic climate).
 - (2) **Burden of Proof.** The historic and design review commission shall not consider or be persuaded to find unreasonable economic hardship based on the presentation of circumstances or items that are not unique to the property in question (i.e., the current economic climate, terms and conditions of the lender, development agreements entered into by the owner, etc.), nor shall it consider a claim of unreasonable economic hardship by a prospective or pending buyer of the property. When a claim of unreasonable economic hardship is made, the owner must provide sufficient evidence to support a finding by the commission that:
 - A. The owner cannot make reasonable beneficial use of or realize a reasonable rate of return on a structure or site, regardless of whether that return represents the most profitable return possible, unless the highly significant endangered, historic and cultural landmark, historic and cultural landmarks district or demolition delay designation, as applicable, is removed or the proposed demolition or relocation is allowed;
 - B. The structure and property cannot be reasonably adapted for any other feasible use, whether by the current owner or by a purchaser, which would result in a reasonable rate of return; and

- C. The owner has owned the property for a minimum of two (2) years and has failed to find a purchase property during the previous two (2) years, despite having made substantial ongoing efforts during evidence of unreasonable economic hardship introduced by the owner may, where applicable, include affirmative obligations to maintain the structure or property make it impossible for the owner to return on the structure or property.
 - D. Construction cost estimates for rehabilitation, restoration, or repair, which shall be broken out by design discipline and construction trade, and shall provide approximate quantities and prices for labor and materials. OHP shall review such estimates for completeness and accuracy, and shall retain outside consultants as needed to provide expert analysis to the HDRC. Additional reports or analyses shall be provided prior to the date of the historic and design review commission's hearing on the demolition permit application and shall become part of the administrative record on the application.
- (3) **Criteria.** The public benefits obtained from retaining the cultural resource must be analyzed and duly considered by the historic and design review commission.

As evidence that an unreasonable economic hardship exists, the owner may submit the following information to the historic and design review commission by affidavit:

- A. For all structures and property:
 - i. The past and current use of the structures and property;
 - ii. The name and legal status (e.g., partnership, corporation) of the owners;
 - iii. The original purchase price of the structures and property;
 - iv. The assessed value of the structures and property according to the two (2) most recent tax assessments;
 - v. The amount of real estate taxes on the structures and property for the previous two (2) years;
 - vi. The date of purchase or other acquisition of the structures and property;
 - vii. Principal balance and interest rate on current mortgage and the annual debt service on the structures and property, if any, for the previous two (2) years;
 - viii. All appraisals obtained by the owner or applicant within the previous two (2) years in connection with the owner's purchase, financing or ownership of the structures and property;
 - ix. Any listing of the structures and property for sale or rent, price asked and offers received;
 - x. Any consideration given by the owner to profitable adaptive uses for the structures and property;
 - xi. Any replacement construction plans for proposed improvements on the site;
 - xii. Financial proof of the owner's ability to complete any replacement project on the site, which may include but not be limited to a performance bond, a letter of credit, an irrevocable trust for completion of improvements, or a letter of commitment from a financial institution; and
 - xiii. The current fair market value of the structure and property as determined by a qualified appraiser.
 - xiv. Any property tax exemptions claimed in the past five (5) years.
- B. For income producing structures and property:

- i. Annual gross income from the structure and property for the previous two (2) years;
 - ii. Itemized operating and maintenance expenses for the previous two (2) years; and
 - iii. Annual cash flow, if any, for the previous two (2) years.
- C. In the event that the historic and design review commission determines that any additional information described above is necessary in order to evaluate whether an unreasonable economic hardship exists, the historic and design review commission shall notify the owner. Failure by the owner to submit such information to the historic and design review commission within fifteen (15) days after receipt of such notice, which time may be extended by the historic and design review commission, may be grounds for denial of the owner's claim of unreasonable economic hardship.
- D. Construction cost estimates for rehabilitation, restoration, or repair, which shall be broken out by design discipline and construction trade, and shall provide approximate quantities and prices for labor and materials. OHP shall review such estimates for completeness and accuracy, and shall retain outside consultants as needed to provide expert analysis to the HDRC.

When a low-income resident homeowner is unable to meet the requirements set forth in this section, then the historic and design review commission, at its own discretion, may waive some or all of the requested information and/or request substitute information that an indigent resident homeowner may obtain without incurring any costs. If the historic and design review commission cannot make a determination based on information submitted and an appraisal has not been provided, then the historic and design review commission may request that an appraisal be made by the city.

- (c) **Loss of Significance.** When an applicant fails to prove unreasonable economic hardship the applicant may provide to the historic and design review commission additional information which may show a loss of significance in regards to the subject of the application in order to receive historic and design review commission recommendation of approval of the demolition.

If, based on the evidence presented, the historic and design review commission finds that the structure or property is no longer historically, culturally, architecturally or archeologically significant, it may make a recommendation for approval of the demolition. In making this determination, the historic and design review commission must find that the owner has provided sufficient evidence to support a finding by the commission that the structure or property has undergone significant and irreversible changes which have caused it to lose the historic, cultural, architectural or archeological significance, qualities or features which qualified the structure or property for such designation. Additionally, the historic and design review commission must find that such changes were not caused either directly or indirectly by the owner, and were not due to intentional or negligent destruction or a lack of maintenance rising to the level of a demolition by neglect.

The historic and design review commission shall not consider or be persuaded to find loss of significance based on the presentation of circumstances or items that are not unique to the property in question (i.e. the current economic climate).

For property located within a historic district, the historic and design review commission shall be guided in its decision by balancing the contribution of the property to the character of the historic district with the special merit of the proposed replacement project.

- (d) **Documentation and Strategy.**

- (1) Applicants that have received a recommendation for a certificate shall document buildings, objects,

sites or structures which are intended to be demolished with 35mm slides or prints, preferably in black and white, and supply a set of slides or prints or provide a set of digital photographs in RGB color to the historic preservation officer. Digital photographs must have a minimum dimension of 3000 x 2000 pixels and resolution of 300 dpi.

- (2) Applicants shall also prepare for the historic preservation officer a salvage strategy for reuse of building materials deemed valuable by the historic preservation officer for other preservation and restoration activities.
 - (3) Applicants that have received an approval of a certificate regarding demolition shall be permitted to receive a demolition permit without additional commission action on demolition, following the commission's recommendation of a certificate for new construction. Permits for demolition and construction shall be issued simultaneously if requirements of section 35-609, new construction, are met, and the property owner provides financial proof of his ability to complete the project.
 - (4) When the commission recommends approval of a certificate for buildings, objects, sites, structures designated as landmarks, or structures in historic districts, permits shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies. Permits for parking lots shall not be issued, nor shall an applicant be allowed to operate a parking lot on such property, unless such parking lot plan was approved as a replacement element for the demolished object or structure.
- (e) **Issuance of Permit.** When the commission recommends approval of a certificate regarding demolition of buildings, objects, sites, or structures in historic districts or historic landmarks, permits shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies. Once the replacement plans are approved a fee shall be assessed for the demolition based on the approved replacement plan square footage. The fee must be paid in full prior to issuance of any permits and shall be deposited into an account as directed by the historic preservation officer for the benefit, rehabilitation or acquisition of local historic resources. Fees shall be as follows and are in addition to any fees charged by planning and development services:

0—2,500 square feet = \$2,000.00

2,501—10,000 square feet = \$5,000.00

10,001—25,000 square feet = \$10,000.00

25,001—50,000 square feet = \$20,000.00

Over 50,000 square feet = \$30,000.00

NOTE: Refer to City Code Chapter 10, Subsection 10-119(o) regarding issuance of a permit.

- (f) The historic preservation officer may approve applications for demolition permits for non-contributing minor outbuildings within a historic district such as carports, detached garages, sheds, and greenhouses determined by the historic preservation officer to not possess historical or architectural significance either as a stand-alone building or structure, or as part of a complex of buildings or structures on the site.

- (a) **Applicability.** The provisions of this section apply to any application for demolition of a historic landmark (section 35-614 of this chapter). The provisions of this section apply to any historic landmark or any property located within a historic district.
- (b) **Initiation.**
 - (1) **Historic Landmarks and Contributing Properties.** The applicant shall submit all necessary materials to the historic preservation officer, hereafter referred to as the HPO, at least fifteen (15) days prior to the HPO hearing in order that staff may review and comment and/or consult on the case. Staff and/or professional comments shall be forwarded to the HPO for consideration and review and made available to the applicant for consideration prior to the hearing. The HPO may require that an applicant furnish such additional information that is relevant to its determination of unreasonable economic hardship and may require that such additional information be furnished under seal. The HPO or its agent may also furnish additional information as the HPO believes is relevant. The HPO shall also state which form of financial proof it deems relevant and necessary to a particular case. In the event that any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file with his affidavit a statement of the information which cannot be obtained and shall describe the reasons why such information cannot be obtained.
 - (2) **Other Demolition Permits.** All applications for permits to demolish buildings, objects, sites, or structures which are not historic landmarks, contributing properties, or an intrusion in the district shall be referred to the city HPO for the purpose of determining whether or not the building, object, site, or structure may have historical, cultural, architectural, or archaeological significance.
- (c) **Completeness Review.** The historic preservation officer shall review the demolition permit application for completeness in accordance with subsection 35-451(c) of this chapter. The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the historic and design review commission.
- (d) **Decision.**
 - (1) **Historic Landmarks.** Whenever an application for a certificate regarding the demolition of a landmark is submitted to the historic and design review commission, the historic and design review commission shall not hold a public hearing on the application for sixty (60) days from the date the application is received by the office of historic preservation. This time period is intended to permit the city historic preservation officer to discuss the proposed demolition informally with the property owner, other city officials, registered neighborhood associations, and local preservation organizations, to see if an alternative to demolition can be found before a formal consideration of the application by the historic and design review commission. At least one meeting with the registered neighborhood association shall occur within this period if the proposed demolition is located within a historic district. The historic

preservation officer shall prepare, as a part of the submission, a report to the historic and design review commission analyzing alternatives to demolition, and request from other city departments or agencies information necessary for the preparation of this report.

If within this sixty-day period any one (1) of the following three (3) events shall occur, the historic and design review commission may defer hearing the application for six (6) months and it shall be considered to have been withdrawn by the applicant during such six-month period:

- The owner shall enter into a binding contract for the sale of the property,
- Approved arrangements shall be made for the structure to be moved to an approved new location, or
- The City of San Antonio shall determine to condemn the property and take it by the power of eminent domain for rehabilitation or reuse by the city or other disposition with appropriate preservation restrictions in order to promote the historic preservation purposes of this chapter to maintain the structure and protect it from demolition.

If within the sixty-day period none of the three (3) events summarized above shall have occurred, the historic and design review commission shall schedule a hearing on the demolition application at its next regularly scheduled meeting following the expiration of the sixty-day period, shall request all knowledgeable parties to comment at the hearing on the proposed demolition, and shall make its written recommendation within thirty (30) days after hearing the request for demolition. The historic and design review commission shall also request the city engineer or a third-party consultant to prepare a report on the state of repair and structural stability of the structure for which an application to demolish has been filed. This report shall be presented to the city HPO prior to the date of the historic and design review commission's hearing on the demolition permit application, and shall become part of the administrative record on the application.

- (2) **Other Demolition Permits.** If the property is not a historic landmark, contributing property, or an intrusion in the district, the historic preservation officer shall determine whether or not the building, object, site, or structure may have historic, cultural, architectural, or archaeological significance within thirty (30) days after receipt of the completed application. In making this determination, the historic preservation officer shall apply the appropriate definitions in appendix A of this chapter, as well as any applicable standards or guidelines adopted by the city council. If the building, object, site, or structure is determined to have no cultural, historical, architectural, or archaeological significance, a demolition permit may be issued immediately, provided such application otherwise complies with the provisions of the demolition ordinance and all city code requirements. If the building, object, site, or structure is found to have significance and is determined to an eligible resource for historic designation in accordance with this section, the historic preservation officer shall notify the owner of the property in writing of such determination in accordance with this division. The historic

preservation officer shall retain a written statement summarizing the reasons for their determination for such period as required under applicable record retention laws as followed by the city clerk's office. The historic preservation officer shall make such information available to the historic and design review commission for review and recommendation as to significance. If the historic and design review commission concurs in the significance, the historic and design review commission shall recommend that the building, object, site, or structure be designated as a historic landmark. Following such determination, the applicant may request a demolition permit by following the procedures for historic landmarks or properties within a historic district as prescribed in this section.

(e) **Approval Criteria.** See article VI, section 35-614 of this chapter.

- (1) **Historic Landmark.** Should the applicant for a certificate regarding demolition of a historic landmark satisfy the historic and design review commission that he will suffer an unreasonable economic hardship if a demolition permit is not issued, or, in failing to demonstrate unreasonable economic hardship, the applicant demonstrates loss of significance which dictates demolition of the significant historic landmark, the historic and design review commission shall recommend approval of a certificate for the issuance of a demolition permit.
- (2) **Contributing Property.** Should the applicant for certificate regarding demolition of a contributing property in a historic district satisfy the historic and design review commission that he will suffer an unreasonable economic hardship if a demolition permit is not issued, or, in failing to demonstrate unreasonable economic hardship, the applicant demonstrates loss of significance which dictates demolition of the property, the historic and design review commission shall recommend approval of a certificate for the issuance of a demolition permit.
- (3) **Property Deemed to be an Intrusion Into the District.** In those cases in which the historic and design review commission finds that a building, object, or structure proposed for demolition is located in a historic district, but is considered an intrusion in the district, the historic and design review commission shall reaffirm the evaluation of the resource as an intrusion using criteria set forth in this article prior to recommending approval of a certificate regarding demolition. When the resource is determined to be an intrusion, the historic and design review commission shall not recommend approval of a certificate regarding demolition unless the property owner agrees to minimum landscape and maintenance requirements as specified under sections 35-615 through 35-616 and all other city ordinances and codes. In any event, when the historic and design review commission recommends approval of such certificate, demolition permits for buildings, objects, sites, or structures in historic districts shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies.

(f) **Subsequent Applications.** (See subsection 35-451(f) of this chapter.)

(g) **Amendments.** (See subsection 35-451(g) of this chapter.)

(h) **Scope of Approval.**

- (1) **Other Agency Approval Required.** When the historic and design review commission recommends approval of a certificate regarding demolition of buildings, objects, sites, or structures in historic districts, permits shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies.
- (2) **Replacement Plans.** Following recommendation for approval of demolition, the applicant must seek approval of replacement plans consistent with the criteria set forth in sections 35-609 to 35-613 prior to receiving a demolition permit and other permits. Replacement plans for this purpose shall include, but shall not be restricted to, project concept, preliminary elevations and master development plans, and completed working drawings for at least the foundation plan which will enable the applicant to receive a permit for foundation construction. Applicants that have received a recommendation for a certificate and approval of required replacement plans shall be permitted to receive such demolition permit without additional historic and design review commission action on demolition, following the posting by the applicant of a performance bond and a payment bond in an amount sufficient to cover all construction costs and to inure to the benefit of the City of San Antonio. If a contractor has been selected, then the bonds may come from the contractor and shall inure first to the benefit of the City of San Antonio, second to the benefit of the developer.
- (3) **Certificate for New Construction.** Applicants that have received an approval of a certificate regarding demolition shall be permitted to receive a demolition permit without additional historic and design review commission action on demolition, following the historic and design review commission's recommendation of a certificate for new construction. Permits for demolition and construction shall be issued simultaneously if requirements of section 35-609, new construction, are met, and the property owner provides financial proof of his ability to complete the project.
- (i) **Recording Procedures.** (See subsection 35-451(i) of this chapter.) Applicants that have received a recommendation for a certificate for demolition of a historic landmark shall document buildings, objects, sites or structures which are intended to be demolished with 35mm slides or prints, preferably in black and white, and supply a set of slides or prints to the historic preservation officer. Applicants shall also prepare for the historic preservation officer a salvage strategy for reuse of building materials deemed valuable by the historic preservation officer for other preservation and restoration activities.

(Ord No. 98697 § 4 and 6) (Ord. No. 2010-06-24-0616, § 2, 6-24-10) (Ord. No. 2010-11-18-0985, § 2, 11-18-10; Ord. No. 2015-12-17-1077, § 2, 12-17-15; Ord. No. 2017-10-05-0756, § 1(Att. A), 10-5-17; Ord. No. 2017-12-14-1010, § 2, 12-14-17)

- (a) The building official shall consult with the historic preservation officer within 72 hours of the receipt of an application for a demolition permit to determine the eligibility of the subject property for designation as a historic landmark.
- (b) The issuing of a demolition permit shall be delayed for up to 90 days from the date of receipt of an application (see insert) for a property considered to be eligible for designation as a historic landmark as described in section 28-1139(b) of this article.
- (c) During this 90-day delay, the historic preservation officer shall work with the historic landmark preservation commission to notify all potentially interested parties of the pending demolition in order to allow such parties to take whatever steps they deem appropriate to accomplish the preservation of the subject property. The 90-day delay may be extended for good cause by the historic landmark preservation commission for an additional 90 days, but in no event shall the total extension be for more than 180 days.
- (d) If it is determined by the building official in consultation with the historic preservation officer that a property poses an immediate threat to the public health and safety, this determination shall be reported to the city manager who may instruct the building official to issue a demolition permit without delay.

(Ord. No. 1999-23, § 1, 5-4-99)

9-21-15

ORDINANCE NO. **29893**

An ordinance amending Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," and Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Sections 51-4.504 and 51A-4.504; providing for demolition delay overlay districts; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 51-4.504, "Airport Flight Overlay District," of Division 51-4.500, "Overlay and Conservation District Regulations," of Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is retitled as Section 51-4.504, "Demolition Delay Overlay District," and amended to read as follows:

"SEC. 51-4.504. DEMOLITION DELAY [~~AIRPORT FLIGHT~~] OVERLAY DISTRICT.

This section incorporates by reference the language of Section 51A-4.504[, "~~Airport Flight Overlay District~~,"] of Chapter 51A of the Dallas Development [City] Code, as amended[, "~~as that section exists today and as it may be amended in the future~~]."

SECTION 2. That Section 51A-4.504, "Reserved," of Division 51A-4.500, "Overlay and Conservation District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is retitled as Section 51A-4.504, "Demolition Delay Overlay District," and amended to read as follows:

**"SEC. 51A-4.504. DEMOLITION DELAY OVERLAY DISTRICT
[RESERVED]."**

(a) Purpose. A demolition delay overlay district is intended to encourage the preservation of historically significant buildings that are not located in a historic overlay district by helping the property owner identify alternatives to demolition.

(b) General provisions.

(1) The city plan commission or city council may initiate a demolition delay overlay district following the procedure in Section 51A-4.701, "Zoning Amendments."

(2) This section applies to any building located in a demolition delay overlay district that is at least 50 years old and meets one of the following criteria:

(A) the building is located in a National Register Historic District or is individually listed on the National Register of Historic Places;

(B) the building is designated as a Recorded Texas Historic Landmark;

(C) the building is designated as a State Archeological Landmark;

(D) the building is designated as a National Historic Landmark;

(E) the building is listed as significant in the 2003 Downtown Dallas/Architecturally Significant Properties Survey; or

(F) the building is listed as contributing in the 1994 Hardy-Heck-Moore Survey.

(c) Demolition delay process.

(1) Phase I.

(A) Upon receipt of a complete application to demolish a building that is in a demolition delay overlay district, the building official shall refer the application to the historic preservation officer.

(B) Within 10 days after the historic preservation officer receives an application to demolish a building within a demolition delay overlay district, the historic preservation officer shall determine whether the building meets the requirements in Subsection (b)(2).

(C) If the historic preservation officer determines that a building within a demolition delay overlay district does not meet the criteria in Subsection (b)(2) and the application meets the requirements for issuing a demolition permit in the Dallas Building Code, the building official shall grant the application to demolish a building.

(2) Phase II.

(A) Within 45 days after determining whether a building within a demolition delay overlay district meets the requirements in Subsection (b)(2), the historic preservation officer shall schedule a meeting with the building's owner and appropriate city officials to discuss alternatives to demolition, such as historic designation under Section 51A-4.501; historic preservation tax exemptions and economic development incentives for historic properties under Article XI; loans or grants from public or private resources; acquisition of the building; and variances.

(B) The historic preservation officer shall post notice of the meeting with the building's owner on the city's website.

(C) Within two working days after the historic preservation officer determines the building within the demolition delay overlay district meets the requirements in Subsection (b)(2), the historic preservation officer shall post a sign on the property to notify the public that an application has been made for a demolition permit within a demolition delay overlay district. The sign must include a phone number where citizens can call for additional information.

(D) The meeting may include organizations that foster historic preservation, urban planning, urban design, development, and improvement in demolition delay overlay districts.

(E) If at the end of the 45-day period the application meets the requirements of the Dallas Building Code and the building owner declines to enter into an agreement as outlined in Paragraph (3), the building official shall grant the application to demolish a building within a demolition delay overlay district.

(3) Phase III. The property owner may enter into an agreement with the city to delay granting a demolition permit for an additional time period to continue exploration of alternatives to demolition."

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 4. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 6. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By 
Assistant City Attorney

SEP 22 2015

Passed _____



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

SEP 22 2015

DATE ADOPTED BY CITY COUNCIL _____

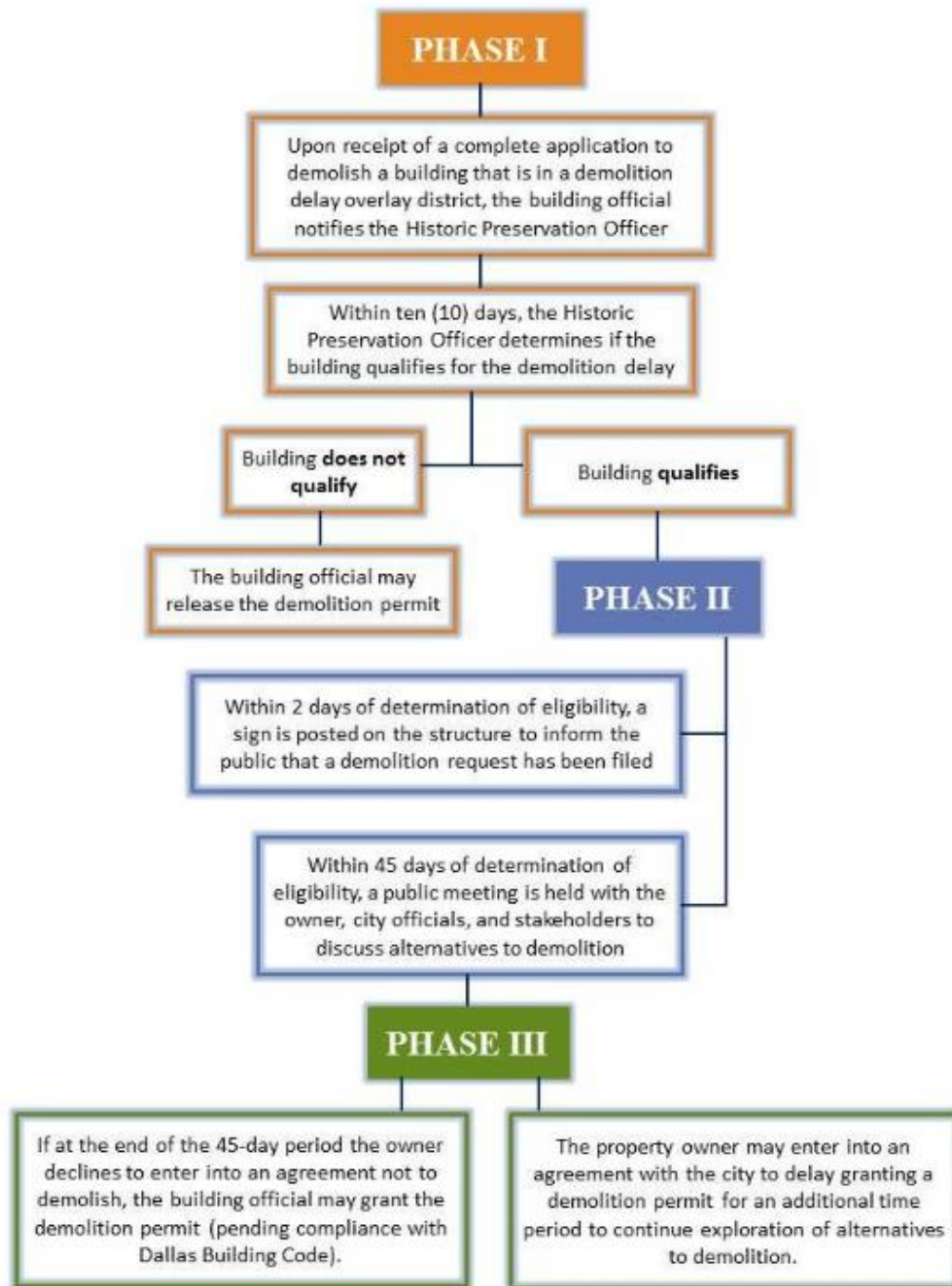
29893

ORDINANCE NUMBER _____

SEP 26 2015

DATE PUBLISHED _____

ATTESTED BY:





MEMO

TO: Historic Preservation Commission
FROM: Alison Brake, CNU-A, Historic Preservation Officer and Planner
DATE: June 26, 2019
RE: Item 8 – Certified Local Government (CLG) Program

The Certified Local Government (CLG) Program is a local, state, and federal government partnership to empower local communities to better protect historic resources administered through the Texas Historical Commission (THC). At the federal level, the National Park Service (NPS) administers the program. The City of San Marcos became an approved CLG community on March 29, 1990. This gave the city access to technical assistance from CLG Program Staff, a network of local preservation commissioners and historic preservation officers from around the state, access to workshops and other trainings specific to local preservation challenges, and the annual CLG Grant Program.

Each year, the City is expected to meet the minimum requirements:

- Preservation Commission must meet at least six times a year.
- Pursue local designation for Recorded Texas Historic Landmarks (RTHLs), State Antiquities Landmarks (SALs), and National Register of Historic Places (NRHP) properties.
- Monitor and report actions affecting county courthouses, RTHLs, SALs and NRHP properties to the THC.
- Preservation Commissioners and Historic Preservation Officer (HPO) must attend at least one preservation-related training a year.
- Conduct all meetings in accordance with the Texas Open Meetings Act.
- Complete the CLG Annual Report.
- Submit copies of all Commission meeting minutes to the THC.
- Submit resumes of current Commission members and the HPO to the THC.
- Provide input during Section 106 reviews, when appropriate.
- Maintain a system for the survey and inventory of local historic properties that is coordinated with the statewide cultural-resource-survey-process.
- Review and comment upon nominations to the National Register of Historic Places for properties within its jurisdiction within 60 days of receiving the nominations from the National Register Program office of the Texas Historical Commission.

The CLG Annual Report is sent every year, in the form of an online survey, to all Historic Preservation Officers/CLG Representatives to submit. Every four years, the City's CLG Program is evaluated by the CLG Coordinator. The last evaluation was conducted in November 2016 at which time it was determined that the City was fulfilling the responsibilities pursuant to the terms of the original Certification Agreement; the evaluation is attached. Also included is an email from

the CLG Coordinator stating that the City is in good standing with the program. It is important to note that without good standing, the CLG Program would not have awarded the grant for the historic resources survey.

From: [Lorelei Willett](#)
To: [Brake, Alison](#)
Subject: [EXTERNAL] San Marcos CLG status and requirements
Date: Wednesday, July 3, 2019 4:36:26 PM

Hi Alison,

San Marcos has been a CLG since 1990 and has continued to be an active local government in the program by submitting annual reports and participating in 4-Year Evaluations. The city has taken an active role in preserving it's historic resources by applying for and receiving a CLG grant to update their survey for FY2018.

Requirements for cities to be active members of the CLG program include:

1. Adopt and maintain a local historic preservation ordinance
2. Maintain a designated city official, staff person, or other appropriate representative of the municipal entity to serve as a local Historic Preservation Officer (HPO) for the purpose of administering the local preservation ordinance
3. Maintain a qualified review commission, board, or committee for historic preservation
4. Enforce the local historic preservation ordinance for the designation and protection of local historic properties
5. Adopt the Secretary of the Interior's Standards for Rehabilitation as the standards by which the preservation commission will review all work applications brought before it under the terms of the local historic preservation ordinance
6. Ensure, to the maximum extent possible, public participation in the local historic preservation program, including the process of nominating properties to the National Register of Historic Places
7. Maintain a system for the survey and inventory of local historic properties
8. Review and comment upon nominations to the National Register of Historic Places within 60 days of being notified of the nomination
9. Monitor and report to the Texas Historical Commission any actions affecting any county courthouse, Recorded Texas Historic Landmark, State Antiquities Landmark, National Register property, and any locally designated landmark. (Note: This is a non-design review action that generally includes an informal email to the CLG coordinator about any work on these structures)
10. Provide training for the HPO, city staff and members of the Preservation Commission
11. Submit an Annual Report to CLG program staff
12. Participate in the Sec 106 review process when required.

Currently the city of San Marcos is meeting all of these requirements. More information can be found in the CLG Handbook. Thank you and please let me know if you have any questions.

Lorelei Willett

Certified Local Government Program Coordinator
Community Heritage Development Division
Texas Historical Commission
P.O. Box 12276

TEXAS HISTORICAL COMMISSION

real places telling real stories

April 1, 2016

Alison Brake
Historic Preservation Officer
City of San Marcos
630 E. Hopkins
San Marcos, TX 78666

Re: 2016 Four-Year Evaluation under Section 101(a)(7)(C) of the National Historic Preservation Act of 1966, for the Certified Local Government program, City of San Marcos, Hays County, Texas

Dear Ms. Brake,

Thank you for our meeting in San Marcos on November 5, 2016, for the purpose of conducting the above-referenced evaluation. This letter presents the comments of the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission (THC). As the state agency responsible for administering the Certified Local Government (CLG) program, these comments also provide recommendations on compliance with state rules and federal regulations.

The review staff, led by Madeline Clites, local government specialist for the CLG program, has completed its review. Based on the information discussed at the meeting and submitted to date, it appears that the City of San Marcos will fulfill its responsibilities pursuant to the terms of the original Certification Agreement.

The attached evaluation report contains recommendations for strengthening the City's preservation program and maintaining its responsibilities under the CLG program. Key recommendations include:

- Update the historic resources surveys done in the 1980s and 1997. Work toward a city-wide comprehensive historic resources survey. Make the surveys available to the public.
- Ensure that the Historic Preservation Officer attends at least one training approved by the THC annually.
- Ensure that Historic Preservation Commissioners have access to annual training.
- Cite the *Secretary of Interior's Standards for Rehabilitation* and/or local design guidelines in meeting minutes so the criteria used to approve or deny Certificate of Appropriateness applications are clear.



TEXAS HISTORICAL COMMISSION

real places telling real stories

- Encourage the Historic Preservation Commission to work beyond Certificate of Appropriateness review, such as community outreach, education, historic resources surveys, and local district or landmark designation.

Enclosed is a copy of the completed evaluation form for your files that outlines the aforementioned required improvements and recommendations in greater detail. Thank you for your cooperation in this federal and state review process, and for your efforts to preserve the irreplaceable heritage of Texas. **If you have any questions concerning our review or if we can be of further assistance, please contact me at 512-463-9063.**

Respectfully,



Madeline Clites, Local Government Specialist
Certified Local Government Program

cc: The Honorable Daniel Guerrero, Mayor of the City of San Marcos, Texas
cc: Jared Miller, City Manager of the City of San Marcos, Texas

TEXAS HISTORICAL COMMISSION

CERTIFIED LOCAL GOVERNMENT FOUR-YEAR REVIEW

CERTIFIED LOCAL GOVERNMENT:	City of San Marcos
DATE OF VISIT:	November 5, 2015
DATE COMPLETED:	April 1, 2016
THC STAFF REVIEWER:	Madeline Clites

PURPOSE

In accordance with federal regulations and Texas Administrative Code Chapter 15.6, Rules and Procedures for Certified Local Governments, section (h) (1), the State Historic Preservation Officer (SHPO) shall conduct, at least once every 4 years, a review of Certified Local Governments (CLGs). The purpose of this is to assure that each government fulfills its responsibilities as provided for in the Certification Agreement, as follows:

- (1) To review the annual review reports submitted by the local governments and other documents as necessary;
- (2) To review reports and documents pertaining to the fiscal management of Historic Preservation Fund monies.
- (3) To review all relevant records and materials available to the State Historic Preservation officer, including copies of all documentation of expenses.
- (4) To review the performance of the Certified Local Government on the basis of recognized standards for historic preservation activities, such as the National Register Criteria for Evaluation, State survey grant requirements, the *Secretary of the Interior's Standards for Rehabilitation* and the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation*.

PROCEDURE FOR REVIEW OF CLG PROGRAMS

In Texas, the SHPO is the Executive Director of the Texas Historical Commission and his designee is responsible for carrying out this review. In order to make an objective review of the local CLG program, the SHPO or his designee will make an on-site visit for one to two days. The following schedule will apply:

1. The SHPO shall confer with the CLG on an appropriate on-site date to coordinate with the historic preservation review commission/board/committee regularly scheduled monthly meeting.

2. During or prior to the on-site visit, the SHPO will request that the CLG produce files, publications, minutes of local review commission meetings, and other materials necessary to accurately answer questions listed in the evaluation. Meetings with review commissions/boards/committees and special groups reviewing certificates of appropriateness also will be necessary.
3. A draft of the findings and recommendation of the SHPO staff will be provided to the CLG typically within 60 days after the on-site visit.
4. The CLG shall have 45 days from the receipt of the comments of the SHPO to submit a written response.
5. The SHPO and CLG shall consult to resolve any differences of opinion about the findings and recommendations presented in the report.
6. The CLG shall then take action to provide required documentation or perform other steps necessary to correct deficiencies noted in the report.
7. If all corrections required are not accomplished within the agreed upon time frame in accordance with the Rules and Procedures for Certified Local Governments, the SHPO may recommend to the National Park Service the decertification of the CLG.

PROCESS FOR REVOKING CERTIFICATION

The process for revoking the certification of a local government is outlined in Section (i) in the adopted Rules and Procedures for Certified Local Governments.

EVALUATION FORM FOR CERTIFIED LOCAL GOVERNMENTS

Attached is the evaluation form to be used by the SHPO during and on-site visit. Questions preceded by an “*” must be answered with a “Yes” or the CLG will be considered deficient in that mandatory area. Negative answers to these items must be discussed in the “Required Improvements” section of the evaluation of the specific program area. These negative items must be corrected by the CLG in order to remain in good standing.

EVALUATION FORM

I. SUMMARY OF CLG REVIEW MEETING

THC Staff **Madeline Clites**

Local CLG Representative **Alison Brake**

Did THC Staff observe CLG Board Meeting?

☒ Yes ☐ No

II. CLG ADMINISTRATION AND ORGANIZATION

In this section, the SHPO will evaluate the administration and organization of the CLG. It is recognized that the CLGs will vary in their organization and means of administering a preservation program. This portion is intended to cover broad areas and general responsibilities.

*A. Does the CLG have a designated city/county official, staff person, or other appropriate resident of the local government serving as preservation officer?

☒ Yes ☐ No

*B. Does the appointed CLG Representative satisfy the requirements for serving as Historic Preservation officer, as outlined by local ordinance and the Secretary of the Interior's Standards for Professional Qualifications?

☐ Yes ☒ No

*C. Did the CLG submit a complete and acceptable annual report in a timely manner as specified in the Certification Agreement?

☒ Yes ☐ No

SUMMARY OF SHPO FINDINGS:

The City of San Marcos has a designated Historic Preservation Officer (HPO) who runs the preservation program and leads the Historic Preservation Commission (HPC) meetings. The current HPO is a City Planner and does not meet the Secretary of the Interior's Professional Qualification Standards; however she is willing to attend trainings.

The HPO is planning to attend the National Trust for Historic Preservation's PastForward Conference in November 2016.

The CLG submits complete annual reports on time.

REQUIRED IMPROVEMENTS:

The HPO will attend Texas Historical Commission (THC) approved trainings to increase her knowledge in the field of historic preservation.

RECOMMENDATIONS:

The THC recommends that the HPO remains in frequent communication with the CLG Program. The CLG Program staff welcomes all questions regarding local preservation issues. The HPO should also monitor the CLG listserv for information about future trainings offered to HPOs.

The National Alliance for Preservation Commission's annual conference, FORUM, is an excellent opportunity to learn more about the responsibilities of the HPO role and the application of the Secretary of Interior Standards (SOIS) for Rehabilitation, and offers a chance to network with other HPOs around the country.

III. HISTORIC PRESERVATION REVIEW COMMISSION/BOARD/COMMITTEE

In this section, the SHPO will evaluate the existing historic preservation review commission/board/committee based on the Certification Agreement and the Rules and Procedures for Certified Local Governments.

*A. Does the CLG maintain an adequate and qualified local historic preservation review commission/board/committee in accordance with the provisions of the Certification Agreement and Rules and Procedures for Certified Local Governments?

☒ Yes ☐ No

*B. Does the CLG's historic preservation review commission/board/committee maintain adequate written minutes of all meetings?

☒ Yes ☐ No

*C. Are the minutes kept on file and available for review by the public?

☒ Yes ☐ No

*D. Do the minutes appear to fully state the reasons for commission/board/committee decisions?

☐ Yes ☒ No

*E. Are copies of the minutes distributed to the members of the review commission/board/committee and to the Texas Historical Commission within sixty days of the date of a meeting?

☒ Yes ☐ No

*F. Is there evidence that all review commission/board/committee meetings are held in conformance with the Texas Open Meetings Act, Texas Civil Statutes, Article 6252-17?

☒ Yes ☐ No

*G. Does the local historic preservation review commission/board/committee meet at least monthly, unless no applications for work have been received, or unless no commission/board/committee action is required?

☒ Yes ☐ No

H. Has it been necessary to fill vacancies on the local commission/board/committee since the execution of the Certification Agreement or the last annual review?

☒ Yes ☐ No

*I. If new members have been appointed since execution of the Certification Agreement or the last annual review, has the SHPO been provided copies of resumes (vitae) for each new member?

☒ Yes ☐ No ☐ Not Applicable

*J. Is there evidence that all commission/board/committee members are residents of the county or municipal entity for which they serve?

☒ Yes ☐ No

*K. Is there evidence that all commission/board/committee members represent the general ethnic make-up of that community?

☐ Yes ☒ No

*L. Do all review commission/board/committee members have a demonstrated interest, competence, or knowledge in historic preservation?

☒ Yes ☐ No

*M. Is there evidence that the local government made a reasonable effort to locate and appoint professional members from the disciplines of architecture, history, architectural history, planning, archeology, or other disciplines related to historic preservation such as American studies, American civilization, cultural geography, or cultural anthropology?

☒ Yes ☐ No

(This may be demonstrated through a public service announcement, newspaper advertisement, media story, or other appropriate form of public communication.)

*N. Has at least one member of the local historic preservation review commission/board/committee attended at least one informational or educational meeting sponsored or approved by the Texas Historical Commission, and which pertains to the current work and functions of the review commission/board/committee or to other related historic preservation topics during each of the three preceding fiscal years?

☒ Yes ☐ No

Summary of Training:
CAMP Training in 2012

Madeline Clites, Local Government Specialist for the THC's CLG Program gave a training on the basics of the CLG Program in November 2015.

SUMMARY OF SHPO FINDINGS:

The City of San Marcos maintains an active Historic Preservation Commission. The commission meets monthly and appears to comply with the State of Texas Open Meetings Act. Commissioners are required to take Open Meetings Act training upon appointment.

HPC meeting agendas and minutes are posted on the City of San Marco's website and are easily accessible to the public. Meeting minutes are regularly sent to the THC as well.

REQUIRED IMPROVEMENTS:

The CLG shall make every effort to encourage diversity and foster cultural inclusion in regards to the Historic Preservation Commission appointments.

The HPC meeting minutes shall document why decisions are being made. For example, if a Certificate of Appropriateness application is approved/denied, the meeting minutes should cite the preservation ordinance, local design guidelines/standards, or the *Secretary of the Interior's Standards for Rehabilitation*. This should be done either in the motion or the staff's recommendation.

The excerpt below, which was taken from the November 2015 HPC meeting minutes, does not include a reason (standards or guidelines) for the Commission's decision. Future motions should be phrased to include the *Secretary of the Interior's Standards*, local design guidelines, or the preservation ordinance. The motion could also reference staff's recommendation which cites the standards or guidelines. This practice ensures that the commission is acting in its legal authority and making decisions based on the city's preservation ordinance.

HPC-15-19. Hold a public hearing and consider a request for a Certificate of Appropriateness by Brian Jeffrey to allow the installation of a wrought iron fence for a sidewalk café along the San Antonio Street and LBJ Drive facades of the property located at 202 E. San Antonio Street.

Alison Brake gave a presentation outlining the request.

Chair Van Oudekerke opened the public hearing. No one spoke and Chair Van Oudekerke closed the public hearing.

COMMISSIONER SPELL MOVED TO APPROVED. COMMISSIONER PREWITT SECONDED. ROLL WAS CALLED AND THE MOTION PASSED 6-0 WITH COMMISSIONERS VAN OUDEKERKE, BAKER, ACKERMAN, PREWITT, SPELL, AND HALSEY VOTING YES.

The CLG shall, in accordance with the local preservation ordinance, seek to advance historic preservation in areas beyond the review of Certificate of Appropriateness (COA) applications.

RECOMMENDATIONS:

The CLG should encourage all HPC members to attend at least one THC-approved training a year.

IV. NATIONAL REGISTER NOMINATIONS PROCESS

In this section, the SHPO will review the CLG's participation in the preparation, evaluation, and review of nominations to the National Register of Historic Places in accordance with the Certification Agreement, Rules and Procedures for Certified Local Government, and the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation*.

A. Has the CLG reviewed a National Register nomination during the last year?

☐ Yes ☒ No

*B. If the answer to "A" is "yes", did the CLG carry out the review of the National Register nominations in accordance with the Rules and Procedures for Certified Local Governments during the past year, including the following:

*1. Did the review commission/board/committee and the chief elected official of the CLG separately notify the National Register Department, the owner of the property, and the applicant as to their opinions in regard to the proposed nomination within 60 days of the receipt of the nomination materials?

☐ Yes ☐ No ☒ Not Applicable

*2. Did the CLG provide a reasonable opportunity during the 60 day period for public comment?

☐ Yes ☐ No ☒ Not Applicable

*3. Did the CLG verify the accuracy of the nomination including the names of all owners of properties included in the nomination?

☐ Yes ☐ No ☒ Not Applicable

*4. Did the CLG hold public information meetings concerning the proposed nomination?

☐ Yes ☐ No ☒ Not Applicable

*5. Were appropriate professionals, meeting the Secretary of the Interior's Professional Qualifications Standards, available when the review commission/board/committee considered the National Register nomination?

☐ Yes ☐ No ☒ Not Applicable

(This should be demonstrated through the minutes from the meeting in which the nomination was reviewed.)

SUMMARY OF SHPO FINDINGS:

In the past four years, there have been no National Register nominations for properties located in the City of San Marcos; therefore, the HPC has not had the opportunity to review a nomination.

REQUIRED IMPROVEMENTS:

The HPC shall play an active role in reviewing all future National Register nominations.

RECOMMENDATIONS:

A comprehensive and updated survey would help identify National Register eligible buildings and districts. The HPO and the HPC should encourage the city to expand and update its historic resources survey to initiate more National Register nominations.

Encourage the nomination of local historic landmarks to the National Register of Historic Places.

Remind property owners that income-producing properties listed on the National Register are eligible to take advantage of the federal and state historic rehabilitation tax credit.

V. SURVEY AND INVENTORY

In this section, the SHPO will evaluate the CLG based on the Certification Agreement, Rules and Procedures for Certified Local Governments, and the *Secretary of the Interior's Standards for Archeology and Historic Preservation*.

*A. Does the CLG maintain a system for the survey and inventory of historic properties which is coordinated with and complementary to the historic sites inventory of the SHPO?

☐ Yes ☒ No

*B. Is all inventory material maintained securely and accessible to the public, with the exception of the location of archeological sites?

☒ Yes ☐ No

*C. Is the inventory used in the process of designating local landmarks and in the review of National Register nominations?

☒ Yes ☐ No

*D. Is there evidence that the CLG periodically updates the inventory to reflect changes, alterations, and demolitions?

☐ Yes ☒ No

E. Has a building-by-building survey been made for each locally designated historic district and an inventory file accessible to the public organized?

☒ Yes ☐ No

List each local district, if any, and percentage completed:

Belvin Street Historic District - 100%; Burleson Street Historic District - 100%;
Downtown Historic District - 100%; Dunbar Historic District - 100%; Hopkins Street
Historic District - 100%; Lindsey-Rogers Historic District - 100%; San Antonio
Street Historic District - 100%

SUMMARY OF SHPO FINDINGS:

The latest historic resources survey was conducted in 1997. Some areas have not been surveyed since the 1980s. A comprehensive survey was never done in San Marcos and the current survey collection represents only specific neighborhoods. This has left several gaps in areas surveyed. The surveys are primarily only available in hard copy, and the few surveys that are digitized, are not available on the city's website. Survey information

is not updated regularly, and the surveys do not comply with current THC survey standards.

REQUIRED IMPROVEMENTS:

Item five in the CLG Certification Agreement states that a CLG shall "maintain a system for the survey and inventory of local historic properties that is coordinated with the statewide cultural resources survey process..."

The CLG will update the survey regularly by listing construction materials, alterations, demolitions, further research into historic significance, etc. In addition, the CLG shall maintain an inventory of buildings which lists appropriate local, state, and federal designations.

The CLG shall make the historic resources surveys available to the public.

RECOMMENDATIONS:

The historic resources surveys of 1992, 1996, and 1997 need to be updated. In the nearly 25 years that have passed, buildings have changed, been demolished, gained historical significance, or were never identified. Identification is the first step to protecting historic resources. From the survey, the CLG can determine which properties are eligible for federal, state, and local designations. The survey would also include an updated inventory which would enable the HPO and other city staff to easy access property data, especially critical when a property owner is applying for a Certificate of Appropriateness.

Contact the THC's Survey Program Coordinator, Leslie Wolfenden to discuss options for a survey update.

Apply for a 2017 CLG grant to conduct a comprehensive historic resources survey which would include an update to areas previously surveyed.

VI. DESIGNATION OF LOCAL PROPERTIES (Cities only)

In this section, the CLG will be evaluated on the basis of the Certification Agreement, Rules and Procedures for Certified Local Governments, and the *Secretary of the Interior's Standards for Archeology and Historic Preservation*.

*A. Does the CLG enforce provisions of the local historic preservation ordinance for the designation of local landmarks and districts?

☒ Yes ☐ No ☐ Not Applicable

SUMMARY OF SHPO FINDINGS:

The CLG does enforce provisions of the local historic preservation ordinance. The HPC has the authority to designate buildings and districts as historic; however, new historic zoning cases are rare.

REQUIRED IMPROVEMENTS:

The CLG shall identify properties that are eligible for local designation and work towards protecting qualified properties through local landmark or district designation.

RECOMMENDATIONS:

The CLG should consider updating its historic resources survey to identify eligible properties for historic designation. The CLG should also increase public education and outreach efforts that help the public better understand the process and benefits of designation.

VII. PROTECTION OF LOCALLY DESIGNATED PROPERTIES (Cities only)

In this section, the CLG will be evaluated on the basis of the Certification Agreement, Rules and Procedures for Certified Local Governments, and the *Secretary of the Interior's Standards for Archeology and Historic Preservation*.

*A. Does the CLG enforce the protective features of the local historic preservation ordinance?

☒ Yes ☐ No ☐ Not Applicable

*B. Do the decisions of the local historic preservation review commission reflect a general understanding and use of the *Secretary of the Interior's Standards for Rehabilitation*?

☒ Yes ☐ No ☐ Not Applicable

SUMMARY OF SHPO FINDINGS:

The HPC reviews Certificate of Appropriateness applications and demolition permits for properties individually designated or located in a historic district. The decisions made by the HPC reflect a general understanding of the *Secretary of Interior's Standards for Rehabilitation*; however, more training is necessary in this area.

REQUIRED IMPROVEMENTS:

The CLG shall seek more training on the use and application of local design guidelines and the *Secretary of Interior's Standards for Rehabilitation*.

The Historic Preservation Commission shall justify decisions using appropriate standards and guidelines. This shall be documented in the commission's meeting minutes.

RECOMMENDATIONS:

The HPC should justify decisions using the appropriate standards and guidelines. The existing Design Guidelines were developed in 1999 and may need to be updated.

VIII. PUBLIC PARTICIPATION AND COMMENT

In this section, the CLG will be evaluated on the basis of the Certification Agreement, Rules and Procedures for Certified Local Governments, and the *Secretary of the Interior's Standards for Archeology and Historic Preservation*.

*A. Can the CLG demonstrate encouragement, to the maximum extent possible, of public participation in the local preservation program?

☐ Yes ☒ No

SUMMARY OF SHPO FINDINGS:

The San Marcos HPC operates primarily as a regulatory commission, taking a limited role in promoting historic preservation in the city. The CLG Program is designed to help CLGs foster a local preservation ethic. This is achieved through public outreach and education.

The CLG is partnering with San Marco's Main Street to celebrate Preservation month in May 2016.

REQUIRED IMPROVEMENTS:

The CLG shall make a larger effort to engage the public in the city's preservation program.

RECOMMENDATIONS:

The CLG should also consider hosting local trainings for the public and commissioners. CLG grant funds can be used for trainings, workshops, and other public outreach initiatives.

The Historic Preservation Office should consider partnering with San Marcos Main Street Program, Texas State University, the Hays County Historical Commission, and other nonprofit organizations to enhance public outreach efforts.

IX. CERTIFIED LOCAL GOVERNMENT GRANTS-IN-AID MANAGEMENT

In this section, the CLG will be evaluated on the basis of the Certification agreement, Rules and Procedures for Certified Local Governments Section (j), and the National Register Programs Manual.

A. Did the CLG receive a CLG subgrant during the last four fiscal years?

☐ Yes ☒ No ☐ Applied but not funded

*B. If the answer to "A" is yes, did the CLG demonstrate the existence of an adequate financial management system in accordance with the Certified Local Government grant contract?

☐ Yes ☐ No ☒ Not Applicable

*C. If the subgrant exceeded \$20,000, did the CLG have a financial audit of the CLG grant-in-aid fiscal management?

☐ Yes ☐ No ☒ Not Applicable

D. If the answer to "C" is yes, has the SHPO received a copy of the audit?

☐ Yes ☐ No ☒ Not Applicable

E. Does the CLG appear knowledgeable of allowable and unallowable costs in accordance with the "Guidelines for Survey and Planning Grants?"

☐ Yes ☐ No ☒ Not Applicable

*F. Does the CLG insure compliance with provisions of Title VI, as required under the terms of the Certified Local Governments grants contract?

☐ Yes ☐ No ☒ Not Applicable

SUMMARY OF SHPO FINDINGS:

The City of San Marco has not applied to a regular CLG grant in the past four years.

REQUIRED IMPROVEMENTS:

The CLG shall work towards indentifying and planning projects that advance local preservation efforts and that are eligible for CLG grants.

RECOMMENDATIONS:

The CLG should consider applying for CLG grants. These matching grants are available to assist cities with preservation projects.

The CLG is in need of an updated historic resources survey, which would make an excellent CLG grant project. Please consult with CLG program staff to develop a strong 2017 grant application.

X. REVIEW AND COMPLIANCE

In this section, the CLG will be evaluated only if it is currently performing all or part of the SHPO's review and compliance responsibilities and if an agreement among the parties concerned is complete. The basis for evaluation will be the Programmatic Agreement, the *Secretary of the Interior's Standards for Archeology and Historic Preservation*, and National Register criteria.

A. Does the CLG determine eligibility for the National Register of Historic Places for properties part of a federal undertaking?

☐ Yes ☒ No ☐ Not Applicable

*B. If the answer to "A" is yes, then the following are to be considered:

*1. Are the records for determining eligibility of properties clear, accurate, and accessible?

☐ Yes ☐ No ☒ Not Applicable

*2. Is there documentation on the evaluation of each property in question?

☐ Yes ☐ No ☒ Not Applicable

*3. Is there evidence that the CLG used the existing inventory of surveyed properties and its recommendations for eligibility in the evaluation process?

☐ Yes ☐ No ☒ Not Applicable

*4. Did the CLG respond to all requests for eligibility within 30 days and forward a copy to the SHPO within the same period?

☐ Yes ☐ No ☒ Not Applicable

*5. Does the CLG maintain a full-time staff person who meets the Secretary of the Interior's Professional Qualifications Standards and determines the eligibility for above-ground properties?

☐ Yes ☐ No ☒ Not Applicable

SUMMARY OF SHPO FINDINGS:

There is no evidence that the City of San Marcos is involved with Section 106 review.

REQUIRED IMPROVEMENTS:

No required improvements at this time.

RECOMMENDATIONS:

At a minimum, CLG should be aware of the Section 106 process, and know who their contacts are at the THC.

CLGs may request to become a consulting party on Section 106 projects. In some cases, the city itself may initiate a Section 106 project. In these cases, the HPC should be consulted on any projects that trigger Section 106 review or impact historic resources.

X. SUMMARY

The City of San Marcos is meeting many of the rules established by the National Park Service and the Texas Historical Commission; however, improvements are needed to fully meet program requirements, and properly protect valuable historic resources. The overall strengths of the program include seven historic districts and illustrated sustainability design guidelines.

The largest deficiency of the program is the lack of an updated and comprehensive survey. Keeping an updated survey is a requirement of the Texas Historical Commission CLG program. Other areas of improvement include the local historic designation program, the lack of an ethnic and culturally diverse HPC, lack of adequate training, and the absence of a public education and outreach program.

An updated and comprehensive survey would set the foundation for additional local historic districts and landmarks and National Register listings. These designations protect local historic resources, encourage rehabilitations, open the door for state and federal tax incentives, and have the ability to shape future development. Undertaking a survey project would also allow the CLG to include a public outreach component.